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## **Legislative Assembly of Ontario**

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## **Assemblée législative de l'Ontario**

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# **Official Report of Debates (Hansard)**

Monday 31 January 2005

# **Journal des débats (Hansard)**

Lundi 31 janvier 2005

## **Standing committee on social policy**

Accessibility for Ontarians with  
Disabilities Act, 2005

## **Comité permanent de la politique sociale**

Loi de 2005 sur l'accessibilité  
pour les personnes handicapées  
de l'Ontario



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## LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON  
SOCIAL POLICY

Monday 31 January 2005

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DE  
LA POLITIQUE SOCIALE

Lundi 31 janvier 2005

*The committee met at 0907 in committee room 1.*ACCESSIBILITY FOR ONTARIANS WITH  
DISABILITIES ACT, 2005LOI DE 2005 SUR L'ACCESSIBILITÉ  
POUR LES PERSONNES HANDICAPÉES  
DE L'ONTARIO

Consideration of Bill 118, An Act respecting the development, implementation and enforcement of standards relating to accessibility with respect to goods, services, facilities, employment, accommodation, buildings and all other things specified in the Act for persons with disabilities / Projet de loi 118, Loi traitant de l'élaboration, de la mise en oeuvre et de l'application de normes concernant l'accessibilité pour les personnes handicapées en ce qui concerne les biens, les services, les installations, l'emploi, le logement, les bâtiments et toutes les autres choses qu'elle précise.

**The Chair (Mr. Mario G. Racco):** Good morning, and welcome to the first day of public hearings of the standing committee on social policy on the Accessibility for Ontarians with Disabilities Act.

Before we start, I would like to point out several features that we hope will help to improve accessibility for those participating in and attending these hearings. In addition to our usual French-language interpretation, we have added services for these hearings. Closed captioning is being provided for each day of the hearings. Sign language interpreters are present each day of the hearings; I would like to welcome today Penny Shincariol, Gus Mancini and Angi Tippett. There are two support services attendants available to provide assistance to anyone who wishes it; today I would like to welcome Jackie Hudson and Frank Hamilton.

The hearings today and tomorrow in Toronto are being broadcast live on the parliamentary channel available on cable TV. Also, for the first time these hearings are being Webcast live on the Legislative Assembly Web site at [www.ontla.on.ca](http://www.ontla.on.ca). Our other hearings will be shown as a delayed broadcast and Webcast. Niagara Falls will be available on Friday, February 4; London will be on Saturday, February 5; Thunder Bay will be on Wednesday, February 9; and Ottawa will be shown on Thursday, February 10, 2005.

We welcome you all to these public hearings.

MINISTRY OF CITIZENSHIP  
AND IMMIGRATION

**The Chair:** We can proceed with the first order of business, the technical briefing by the Ministry of Citizenship and Immigration. I ask that you come forward and introduce yourselves for the purposes of Hansard, please.

**Ms. Katherine Hewson:** Good morning. I'm Katherine Hewson, acting deputy minister at the Ministry of Citizenship and Immigration.

**Ms. Cherith Muir:** I'm Cherith Muir. I'm the manager of the legislative project for Bill 118.

**Mr. David Lillico:** David Lillico, legal branch, Ministry of Citizenship and Immigration.

**The Chair:** Thank you. Please proceed.

**Ms. Hewson:** Good morning. I'm pleased to provide you with a technical briefing this morning. There are some materials that I believe were handed out, which look like this, if you care to follow along.

The purpose of the Accessibility for Ontarians with Disabilities Act is to benefit all Ontarians by achieving accessibility for Ontarians with disabilities by developing, implementing and enforcing accessibility standards on or before January 1, 2025.

The standards must be in the following areas: goods, services and facilities; accommodation; employment; buildings, structures and premises. The bill also provides for the involvement of persons with disabilities, industries and sectors, and the government of Ontario in developing standards. There is involvement through standards development committees, through municipal advisory committees, through standards advisory councils and through public consultation requirements.

## 0910

As you will see in sections 4 and 5, the act applies to any organization to which a standard applies. Accessibility standards in subsection 6(3) can apply to every person or organization in the public or private sectors in Ontario: those who provide "goods, services or facilities to the public;" those who employ "persons in Ontario;" those who offer "accommodation to the public;" those who own or occupy "a building, structure or premises that is open to the public;" or those who are "engaged in a prescribed business, activity or undertaking" or who meet "other requirements as may be prescribed." The purpose of this is to provide for very broad coverage and to cover all things that are available to the public in order



for services, goods and physical premises to be accessible to people with all disabilities. In addition, the act binds the crown, which you will see in section 5.

One of the main purposes of the act is to develop accessibility standards. The standards are provided for in section 6. As you can see, accessibility standards would require a standard to set out measures for the identification and removal and prevention of barriers “with respect to goods, services, facilities, accommodation, employment, buildings, structures....” So the requirements would be in the standard. In addition, the standard would require actions to be carried out by persons or organizations to remove or prevent those barriers that are preventing accessibility. A person or an organization can be subject to more than one accessibility standard. Accessibility standards would apply to all persons or organizations who are identified in the standard. The application of an accessibility standard “may be general or specific” and “may be limited as to time and place”; that is in subsection 8. The standards would be established by regulation through a general regulation process.

On page 5 of the slide deck, you’ll see that accessibility standards requirements may vary according to “different classes of persons or organizations.” The statute as proposed is very broad around what could be a class, so it could be any number of criteria, and there are some that are specifically provided for in the statute: the number of people employed by a person or organization; the annual revenue of the organization; the type of industry; the size of the buildings, structures or premises. This is a recognition in the statute that it may be more appropriate to subject large organizations to different requirements than small organizations, and this allows some flexibility within the statute to provide for different classes. An accessibility standard may define a class as one person or organization or as including or excluding a person or organization that has the same or different characteristics, so there is quite a broad range of ability to differentiate in classes.

On page 6, we talk about the standards development committees. There is a very participatory process that is provided for in the proposed legislation. One of the ways of participating is through the appointment of standards development committees. The minister would establish the committees that would be responsible for the development of accessibility standards. The committees would also have the responsibility of defining and further clarifying the organizations or individuals that are considered to be part of a sector. The minister would fix “terms of reference” for each committee that would include deadlines to be met through “the various stages of the standards development process.” In this way, the standards development committees could be required to meet specific timelines for each part of their processes.

Before appointing a committee, the minister must consult with ministers who are responsible for a certain sector. This is intended to provide for inclusivity across government and to make sure that the ministries that have a relationship with the sector are advising the Minister of

Citizenship and Immigration and are participating as well. The minister, in consultation with other key ministers, would invite the following people or organizations to participate in standards development committees: persons with disabilities or their representatives, representatives of the industries or sectors of the economy to which the accessibility standard is intended to apply, and representatives of ministries that have responsibilities related to the industries or sectors that are identified in the accessibility standard. In this way, we ensure that persons with disabilities, the sectors themselves and government ministries that have responsibilities are all included in the standards development process. The minister could also invite members of the Accessibility Standards Advisory Council to participate in the standards development process.

Finally, section 12 provides that the minister may appoint experts, if she wishes, to advise the standards development committees. These could be experts in various technical aspects who could provide their advice and help to the committees.

Section 9 of the bill deals with the standards development process. The standards are developed in accordance with the act and with the terms of reference, which are issued by the minister. The standards development process would include, first of all, the determination of long-term accessibility standards, provided for in subsection 9(2). It is provided that the standards development committee would promptly move to develop these long-term objectives. Secondly, the standards development process includes the implementation of standards in increments of five years or less. The committees would prioritize which requirements should be implemented within the first five years after the committee is established and then what should be done in the subsequent five-year chunks to meet the objectives.

The development of the time frames would take a variety of things into account. First of all, it would look at the range of disabilities that would be accommodated. Secondly, it would look at the nature of the barriers to accommodation: What things need to be identified? Which barriers need to be removed and prevented? Finally, it would look at the technical or economic considerations associated with the implementation of each standard. In this way, the standards development committee can balance and identify the priority needs and the economic and technical impacts of moving to prevent or remove barriers.

Once the committee had completed that work, the committee would propose accessibility standards to the Minister of Citizenship and Immigration. The minister would then make the proposed standards available for public comment for a 45-day or other time period, as specified by the minister. This would be done by making the proposed standards available on the ministry Web site—or in some other way, but one would expect that it would be through posting them on the ministry Web site. There would be the 45-day or other period in which organizations or persons could provide comments about



the proposed standards. After that, the committee would take that information from the public into account and decide whether to modify the proposed standard. Once they had modified it, they would provide the modified standard to the minister, and then the minister would take that and consider it through the government regulation-making process. So after the proposed standard, as modified, comes to the minister, the minister would take that to cabinet as a proposed regulation. Once it's a regulation, there are obviously requirements to comply.

The standards development committees would be required to provide periodic progress reports to the minister so that she would be aware of what is going on. I think it's important to note that the minister does have responsibility in the statute for the development of standards. This is through the terms of reference she provides, the periodic reports the committee provides to her and other methods. So there is a clear accountability on the minister.

#### 0920

Section 9 also deals with a review of standards. Within five years of the adoption of a standard by regulation, or earlier if it's specified by the minister, the standards development committees would reconvene and perform the following functions: First, they would review the long-term accessibility objectives and time frames. Second, if they needed to, they could revise the requirements to be implemented on or before January 1, 2025. So they could look at the long-term objectives and decide whether they needed to be changed in some way. Then they would develop another proposed accessibility standard with suitable additions and modifications. We would anticipate that they would take the work that was done originally and decide what more can be done in order to achieve the long-term goal of accessibility by 2025. They would submit the revised accessibility standard to the minister, again, to make it public—the 45-day period—and receive comments. If they decide there are changes coming out of the public consultations that needed to be made to the proposed standard, they would do that, and they would provide the minister with the subsequent proposed accessibility standard.

Sections 14 and 15 deal with accessibility reports. Individuals or organizations who are subject to an accessibility standard would be required to file accessibility reports annually. The statute provides that the reports may be filed electronically, and there are provisions for electronic signatures which are similar to other statutes. The report would include a statement certifying that the information provided in the report is accurate, and a senior official of the organization or the individual preparing the report would be required to sign the certification statement. In this way, there's a senior official of the organization certifying that the report is accurate.

Individuals and organizations would be required to make accessibility reports available to the public. In this way, people who are potentially affected by the compliance with standards could take a look at the report and see how the organization is doing and what it says it has done.

Individuals or organizations are required to comply with accessibility standards within the time frame set by the standard. This is in section 13 of the bill. Anyone who files false or misleading information in an accessibility report or who fails to comply with an order that is made under the act would be subject to financial penalties if convicted of an offence. This would be a maximum of \$50,000 per day for an individual and \$100,000 per day for a corporation. In addition, if there is an obstruction of an inspector or intimidation of somebody who is providing information or doing other things that they are supposed to be doing under the act, those are also offences that can be subject to those penalties.

Inspections are dealt with in section 19 of the bill. Inspectors would carry out inspections to determine whether a person or organization had complied with the act and regulations. An inspector could require the production of a document, record or other item relevant to the inspection. An inspector can also be accompanied by an expert or a person with professional knowledge to assist in carrying out the inspection. So if there was a particular need, for example, for someone with building expertise that the inspector himself or herself did not have, that person could accompany the inspector.

Section 21 deals with the enforcement of the act. Subsection 21(1) says the director can order that an "organization be treated as being part of" an industry or sector and that two or more organizations be treated as one ... organization" if they are organized with the intent or really with the effect of defeating the purpose of the act. This takes into account the fact that there could be differentiating standards, depending on the size of the organization, for example. The inspector can say, "That organization really is one organization, not two organizations, and therefore is covered by the more stringent requirements of the act."

A director can issue compliance orders against a person or organization in the following situations: If the person or organization has failed to comply with an accessibility standard or regulation, then that order can be made; secondly, the order can be made if the person or organization fails to file a report or provide other information. The bill is really predicated on the organizations themselves providing information through reports. So it's important for the inspector to be able to order the report to be completed.

A director may make an order to comply with the standard or regulation within a specified time, to file an accessibility report that complies with the act or to pay an administrative penalty.

Section 23 provides that if the person fails to pay an administrative penalty, that order can be filed with the court and can be collected as if it were an order of the court. Administrative penalties are provided for three basic reasons in the act: First of all, to encourage compliance with the act; secondly, to prevent a person or organization from deriving economic benefit from non-compliance with the act; and third, to recover the cost of enforcement. In subsection 40(2), there are regulation-making authorities to deal with administrative penalties.



On page 15 of the slide deck, you'll see that there are requirements on the director before he or she issues an order under the act, and these are just basic fairness requirements. First of all, a director would be required to provide notice to a person or organization before issuing an order, and the notice would have to include some basic information so the person knows what the implications, potentially, of the order would be: first of all, the nature of the order proposed by the director; second, the right of the individual or organization to make written submissions explaining the alleged failure to comply; and third, the deadline for making written submissions, which is 30 days under subsection 22(3), or could be according to whatever is provided in the notice. But the usual would be 30 days.

Sections 26, 27 and 28 deal with appeals and mediation. In section 26, the Lieutenant Governor in Council designates one or more tribunals for the purposes of this act. A person or organization subject to a director's order has the right to appeal that order to the designated tribunal. The parties to an appeal would be the person or organization who made the appeal, the director who made the order and any other person or organization the tribunal deems necessary for the proper conduct of the hearing. So there is discretion left to the tribunal to allow other parties if it is appropriate for the proper conduct of the hearing.

The tribunal would normally hold a written hearing; that is, unless they're satisfied that there's good reason to hear oral submissions. Upon hearing the matter, the tribunal could confirm, vary or rescind the order of the director. The tribunal could make attempts to effect a settlement of all or part of the appeal matter by mediation, with the consent of the parties. As you probably know, mediation is very often an effective alternative dispute mechanism for litigious matters. So we have provided for that for the designated tribunal.

#### 0930

Section 33 deals with incentive agreements. If it is deemed to be in the public interest, the minister can enter into an incentive agreement with a person or organization if they agree to exceed the standards. The purpose of this is there are many organizations, we know, that are real leaders in accessibility; they will meet the standards that are provided for through the process in the bill, and this provides an opportunity through a contract, basically, with the minister to agree to do more. There can be benefits to that. One benefit can be that the organization may be exempted from doing the annual reports or may have different reporting schedules provided. There can be other benefits, but they are not specifically provided for in the draft legislation. It's important to note that these agreements really take on legal responsibilities and requirements. So, if the person or organization entering into the agreement with the minister does not comply with the terms of the agreement, that could be treated as non-compliance with the act and all of the processes in the act could be applied to that person or organization.

As I mentioned, there can be specific exemptions from the legislation that can be part of the agreement, both

around reporting and providing other information, documents or reports. The exemptions granted by the minister in these cases would be limited to the period of time specified in the incentive agreement.

There are some administrative bodies created by the bill. First of all, section 29 continues the accessibility advisory committees that were created under the Ontarians with Disabilities Act, 2001. This is a requirement on municipalities to have accessibility advisory committees where the majority of members are persons with disabilities. The functions of the municipal advisory committees would include advising municipal councils about the requirements and implementation of accessibility standards and the preparation of accessibility reports. So they would be continued and they would have ongoing responsibilities around the standards and the reports.

Section 31 establishes the Accessibility Standards Advisory Council. This would be a council of persons, the majority of whom would be persons with disabilities, and they would be responsible for advising the minister on the accessibility standards development process and the progress that's being made by the standards development committees. They would provide advice on accessibility reports, public information, public education and other matters.

Section 32 provides for the continuation of the Accessibility Directorate of Ontario. This also is a body that was created under the Ontarians with Disabilities Act, 2001. Under the proposed act, the directorate would be continued with the following additional functions. They would be supporting the standards development process, conducting research and public education on the act and on accessibility issues, and supporting and consulting with the Accessibility Standards Advisory Council.

Section 39 is something that I think needs to be pointed out. It is a section that deals with conflict with other legislation. It's possible that there would be different requirements coming from different pieces of legislation that would deal with accessibility in some way. Under the proposed bill, if an accessibility standard conflicts with any other act or regulations, the provision that provides the highest level of accessibility for persons with disabilities would prevail. In this way, we are ensuring that persons with disabilities benefit from the highest amount of accessibility, and this act or standards would not take away existing rights to accessibility.

Section 41 provides for the repeal of the Ontarians with Disabilities Act, 2001. The repeal could take place section by section, and this is intended in order to provide for an orderly transition from the planning requirements that are currently the case in the Ontarians with Disabilities Act, 2001, to the new requirements for compliance with accessibility standards which will take place once the accessibility standards are in place under this act.

That's the end of what I had proposed as a technical briefing.

**The Chair:** Thank you for your presentation. There are 55 minutes available for questioning, and we are



going to try to split it evenly in three ways. I would ask, if the Conservative Party has any questions, to proceed, please.

**Mr. Cameron Jackson (Burlington):** Katherine, welcome. A couple of initial questions: You're the same team that's been operating since 2001, as I recall, having worked with you as the then minister, and you've been responsible for Bill 125 and the transition to the draft of Bill 118. Is that correct?

**Ms. Hewson:** That's correct.

**Mr. Jackson:** I'm going to flip between the two pieces of legislation, because one is the current law, from whence the new law springs. So my first question has to do with the proclamation of the specific section dealing with compliance that leads to penalties for those organizations that do not file their accessibility plans. Has that section been proclaimed?

**Ms. Hewson:** No, it has not.

**Mr. Jackson:** Is there a reason why you have not proclaimed that two and a half years after the legislation?

**Ms. Hewson:** My understanding is that the government undertook the consultations with respect to strengthening the Ontarians with Disabilities Act and, as a result of those consultations, which were quite widespread, they decided that they wanted to take a different approach with standards and, given that, did not choose to proceed with proclaiming the offences section under the Ontarians with Disabilities Act, 2001.

**Mr. Jackson:** So you do concur with the fact that Bill 125 did deal with setting standards at a municipal level and that the vehicle through which that—this is what you just indicated to me—

**Ms. Hewson:** No, I think—

**Mr. Jackson:** Let me finish, and then I'll let you answer.

The point I'm trying to stress here is that we do not have accessibility plans from all those groups required under the legislation. So by not proclaiming the penalty section, a \$50,000 penalty to a municipality that refuses to either have an accessibility committee or have a plan, that section is about to be repealed and there isn't a replacement section in your Bill 118. Clearly, both sets of legislation call for the creation of these, but the only penalty section that I find in your legislation is the one dealing with failure of compliance at the end of the process of setting standards.

So, at the outset, I'm concerned that there is a whole host of municipalities—there may even be some ministries; there may be a public institution, whether it be a hospital or a university or a school board—that has not filed its plan and has not embraced the principle that not only exists in Bill 125 but, we've been led to believe, will also be embraced in Bill 118.

The pure empowerment of this model, which I'll get to later, seems to have a better end game for the disabled community, but I have some concerns about the process in between, because we've pulled the teeth out of the empowerment model the way it's currently structured. But I want to stay focused on the issue of the penalty

section which has not been proclaimed and, therefore, the only penalty is at the very end of the process when there's non-compliance. And then there's a whole arbitration and mediation process, which we'll get into. So perhaps you can just advise me, how do we guarantee that we will get accessibility plans from all of these people, which are required in the original legislation?

**0940**

**Ms. Hewson:** I think perhaps the best way of trying to answer that is by comparing the two pieces of legislation. The Ontarians with Disabilities Act, 2001, provides that certain organizations—municipalities, transit providers, school boards, universities etc.—must develop accessibility plans. There is an offence provision in that act, which has not been proclaimed, that provides that it is an offence punishable by a fine of up to \$50,000 if the organization does not do a plan.

**Mr. Jackson:** You can't do a plan without a committee, in the case of municipalities.

**Ms. Hewson:** Smaller municipalities can.

**Mr. Jackson:** Yes, under 10,000, but let's stay with the core responsibility in this legislation.

**Ms. Hewson:** Large municipalities must have an accessibility advisory committee and must develop an accessibility act—

**Mr. Jackson:** By Bill 125. We do not have that absolute requirement. Let me get to the real point of this: Under the law today, every single cabinet minister and every minister of a government is required by law to publicly file. Under your legislation, they will not be required to do that. We're going to get into this with the minister and we're going to get into this with the public, but the fact of the matter is, the level of government that can most afford to make Ontario fully accessible is the Ontario government. It's argued that those other public institutions that rely on the provincial government for their funding have less of a propensity to make Ontario fully accessible. So if the very seat of government gets a bye out of this legislation and does not have to file accessibility reports by ministry, and if each minister is responsible, with their funding base, to make their ministries fully accessible—in other words, how are we then going to ensure that the public generally is able to reach those benchmarks? You've confirmed for me that nothing in Bill 118 impels a ministry to file an accessibility plan.

**Ms. Hewson:** There is a change from a planning regime to a standards regime.

**Mr. Jackson:** A yes-or-no answer is what's required, Katherine. You and I know that that's your—

**Ms. Hewson:** What is required will be for the government to comply with any standards that are applicable to it.

**Mr. Jackson:** Set by a standards committee, but it doesn't set the same standard for a ministry to be working on accessibility, in the way in which we're calling upon municipalities to do the same thing. This is a question of principle and one of process as well. But



fundamentally, I'm offended by the notion that we're allowing ministries to catch a bye.

Here I have in front of me all of the accessibility plans for the province of Ontario and for each of the ministries. Now, I'm going to raise this with the minister later on, but the Attorney General's plan talks about reducing its budget and its financial capital commitments for new courthouses in the province of Ontario. That is their plan. Now, the only way the public is aware of this, the only way that we in government, regardless of which political party we're in, know this is because it forces a government to be held to a standard of accountability and to declare publicly where it is or is not making the commitment. I don't think our courthouses need to wait 20 years in order for a committee to set up standards for courthouses 20 years down the road, when in fact the ministry, with the money it has—and we'll build many new courthouses in the next 20 years—shouldn't be making them fully accessible as quickly as possible. Yet I have an act which says that they should file a report and be moving toward full accessibility.

Let me ask you a second question: Have you done any regulations in the more than three years since Bill 125 was approved? Have you done any regulations at all that are called for in that legislation?

**Ms. Hewson:** No.

**Mr. Jackson:** OK. So you've been the accessibility directorate called for in the legislation. You're still the accessibility directorate being called for in the new government's legislation, Bill 118. Yet you've been there three years without setting any of the regulations that are required to guide not only municipalities but all transfer agencies that are called for in the legislation, and you haven't done a single regulation to help advance the concerns that were called for in the legislation.

**Ms. Hewson:** We have not passed any regulations. For the past year, I would say, the government has been undertaking consultations around what the disability community, the business community and others think needs to happen with the legislation. Since then, there has been a focus, I think, on developing Bill 118.

**Mr. Jackson:** Have you been instructed that all forward progress with the given law of this province is to stop?

**Ms. Hewson:** No.

**Mr. Jackson:** Yet I have evidence that you are not doing—all right, let me ask you another question. Can you inform this committee of all those municipalities and transfer agencies in our province that have not filed their plans and are in non-compliance?

**Ms. Hewson:** There is no requirement in Bill 125, the Ontarians with Disabilities Act, 2001, for municipalities to provide their plans to the government, so I am not able to say that.

**Mr. Jackson:** It's public. Are you telling me that you're not even monitoring the fact that the act calls for it to be public?

**Ms. Hewson:** Staff are monitoring, however—

**Mr. Jackson:** Do you have the list?

**Ms. Hewson:** I don't have it with me, but we can certainly provide what we have.

**Mr. Jackson:** But it would appear that you're not even monitoring the performance under the existing legislation. Much of the disability community has said that 20 years is far too long. They waited for a long time to get a disability act; they got one, and now, a little over three years later, we're seeing no progress from the government side in terms of advancing the principles and the law that were put in place with Bill 125.

I want to ask you a couple of questions, because I know I'm going to run out of time fairly soon. When we had our technical briefing on November 15, you were unable to tell any member of this committee how many different committees you have in place. Have you begun the work on drafting the terms of reference and the number of committees that will be required under this legislation?

**Ms. Hewson:** No. That would be premature until the Legislature passes this legislation.

**Mr. Jackson:** I don't think that is necessarily the fact. If you're going to cost this legislation, you need to determine at least the basics of some of the committees that are going to be required. Have you not put your mind around any of this? Did none of this come out of the consultation?

**Ms. Hewson:** The specifics of how to set up the standards development committees and which ones need to be established first are still under development.

**Mr. Jackson:** So since your minister declared her desire to revamp this almost a year ago, you still have no plan or draft plan in place to deal with the standards committee, the regulations that will govern them, the membership of them, the areas of involvement there will be with both the public and private sector and its impact, either financially or otherwise?

**Ms. Hewson:** We have some work underway. However, we feel it is important for the Legislature to look at this bill. There may be changes that come out of the legislative process, and we will be developing implementation plans in due course. We have, of course, started to work with other organizations that have expertise in standards, such as the Canadian Standards Association, to learn from them and to be in a position to quickly move to implement this bill if the Legislature passes it.

**Mr. Jackson:** So we don't have the committee number down pat; we don't know the composition; we'll have to go through a process of developing the terms of reference, going out and asking the public if they would like to participate, and then appointing them and training them. What is your best guess? Will it take a year, a year and a half, to get those off the ground and running?

**Ms. Hewson:** No, I wouldn't think it would take that long. I'm not prepared to give a specific amount of time, however there is work that will be done and will continue to be done as the Legislature continues its work on this bill.

0950

**Mr. Jackson:** The reason I raise that is that the legislation is specific about from the time the committee is formed—you know the section I'm referring to. If that's three or four years from now, and then you start your five-year cycle, something as simple as banning all un-accessible curb treatments in subdivisions in Ontario may be seven or eight years away.

My question is, how is it that you give the committees, according to the legislation, up to five years from the first time the committee is constituted and therefore able to function? That could potentially be, as I say, about eight years down the road.

**Ms. Hewson:** No, Mr. Jackson. The way it would work is that the committee would establish the requirements and the time frames for complying with those requirements for the first five years. The time frames could be before the five years are up, and that will be up to the committee to decide. Then, after a maximum of five years—it could be earlier—the committee has to reconvene to establish the next five-year requirements.

**Mr. Jackson:** You mentioned the word "reconvene," and that doesn't show up in any previous briefings, nor does it show in the legislation. You've sufficiently done work in regulations to determine that once the committee has done its work, it will, in a sense, be put on hold until it's called upon in the next five-year segment.

I have concerns about the fact that no work has been done in this area, and it's critical. The reason it's critical is more than just the composition. I think a simple majority is not sufficient. I think a two-thirds majority of disabled persons—if I had to do it over again, that's what I'd do, because it's sufficient for the private sector with special interests to put one of their employees who's disabled on, whose interests may or may not be in the best interests of the disability sector generally but of their corporation specifically.

Therefore, I will be proposing amendments to make sure that the composition of all the standards committees is two thirds persons with disabilities, and that will accommodate specifically even civil servants who will be sitting on these boards—if you put disabled civil servants on, they can protect their ministry perhaps more than they can protect the disability agenda.

I have a lot more questions, Mr. Chairman. I will raise those during the course of the hearings over the next two weeks, and with the minister. To be fair, I think the legislation does require some major adjustment, but I would hope that—one last question, and this is a short question.

**The Chair:** Mr. Jackson, you just went over. Thank you for that. Maybe Ms. Martel will ask some questions you may have.

**Ms. Shelley Martel (Nickel Belt):** Thank you for being here this morning. I appreciate the briefing. I've had a chance to read a few of the briefs that have been put together in advance of the public hearings starting, so the questions I'm raising come from my reading. They are questions that I agree with, actually.

The first question I have has to do with the purpose clause of the bill. ARCH in particular has pointed out that a purpose clause in any bill—and this is correct; we know this as legislators—is to really set out the vision statement. You want to make sure that vision statement is very clear, because if there is any kind of court challenge, the courts would be looking to the purpose clause to really determine what the government was intending.

What they pointed out was that the purpose, as it appears in the bill, is to benefit all Ontarians, which is fine. But I think the purpose is really to do away with discrimination. This is what this bill should be all about. I agree with them that the purpose clause, as it stands, is not strong enough in terms of pointing out that it's the government's intention to have legislation that stops discrimination and that that should be very clearly referenced in the purpose clause.

Can you tell me how the ministry ended up with the purpose clause that it did, and are you open to an amendment that would clearly state that this legislation is anti-discrimination legislation? That's the point of it, and that's how it should be judged if it's ever challenged in court.

**Ms. Hewson:** I don't think I can comment on what the government ultimately will be open to. I think the hearings will be very helpful in making that case. Certainly the genesis of this is anti-discrimination. However, we have the Ontario Human Rights Code, which provides for complaints against discrimination, and we don't want to set up a duplicate process. I take your point that certainly this is social justice legislation that would need to be interpreted broadly by the courts in order to achieve its purpose. It does have a background, if you will, in anti-discrimination, and I think that the words you'll see around barriers will help make that point, because those are the kinds of things that are dealt with in other rights legislation. I don't know that I can give you a complete answer at this point. Certainly I imagine that the government would look forward to hearing further discussion about proposals around the purpose.

**Ms. Martel:** From my perspective, while the legislation may reference barriers in other sections, I think the purpose clause really needs to be very specific. Yes, the act is to benefit all Ontarians. But frankly the act is to benefit those Ontarians who have been left out, and that should be the driving force. However we can change the purpose clause to make sure that is the driving force and that the intent of the bill is very clear at the outset, then I think we should be looking for that kind of language. I hope the ministry and the minister are going to be open to that.

Secondly, there are two definitions that do not appear. I found that funny, because there are very specific terms defined, such as "barrier" and "disability." But "accessibility" is a term that's not defined, and "services" is also not defined. It seems to me that people, as they start their work, are going to need some clear idea of the government's intention with respect to what it thinks accessibility is, what those services are, and they should or



could be defined. Can you give me some sense of why some terms are identified in the legislation and others are not?

**Ms. Hewson:** The first thing I would say is that there is a specific regulation-making authority. Clause 40(1)(q) provides for a regulation-making authority to define the terms “accessibility” and “services.” Those terms are fairly broad in nature, and so it was thought it may be useful, given that this is really broad-based legislation and something that hasn’t been tried before in many cases, to have some flexibility in defining those terms.

**Ms. Martel:** We all know that it’s much better to have it in the law. The regulation is not as powerful—it doesn’t have as much authority—and as much of this as you can put in the actual act itself would be my preference. I think there are far too many sections in the bill that are left to regulation-making, which I think we should spend some time trying to move into actual legislation.

ARCH points out that in fact the Human Rights Commission does have a discussion of the word “services” in its guide to the Human Rights Code, and it seems to be quite an extensive list, as I look at it. They also make a recommendation that “services” be defined. I’m wondering if the ministry looked at the definition of “services” that’s already set out by the Ontario Human Rights Commission in its human rights guide. What was the problem with using that definition of “services,” especially if the Human Rights Commission, with some support from the disability community, you would think, has already accepted that definition?

**Ms. Hewson:** We did look at it, but we thought, given the fact this is going to be broad-ranging legislation dealing with a whole variety of organizations, employers and service providers, that having some flexibility to define it in regulation was the better way.

**Ms. Martel:** But wouldn’t the Ontario Human Rights Commission be worried about doing the same thing? It would be in their interest, and I would think it’s part of their mandate, to be defining those terms, with respect to their own mandate, in the broadest possible way as well, so they would already have considered a variety of organizations to be included.

**Ms. Hewson:** Their mandate is very broad, and so their definition is going to be very broad. Our legislation is at an early stage, really, and it may well go in the same direction as the Human Rights Commission’s definition, but there may be some specific things that need to be adjusted. That’s why we thought it was preferable to put it in the regulation.

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**Ms. Martel:** I’m sure that ARCH will be coming before the committee, and they can probably make their case more powerfully than I can. But we’ve got some other words that I think one might consider to be difficult to put in legislation that’s already defined. I think, with another round of that, we can probably find some definitions the majority can live with. I think we need to have that in the legislation and not in the regulation-making section.

This has to do with the minister making regulations establishing accessibility standards. If I’m reading this correctly, Section 6(1) says, “The Lieutenant Governor in Council may make regulations establishing accessibility standards.” That’s a bit contrary to what we’re doing here. You’re setting up the committees, whose work is going to be to develop the standards and to bring them to the minister, they go out for public input and they come back. I’m not sure why you’re using permissive legislation. It should say, “The Lieutenant Governor in Council shall,” to make it very clear that that’s what is going to happen and that the work all these folks do is not going to be for naught. Why did you use “may” instead of “shall”?

**Ms. Hewson:** My understanding is that it is difficult to constrain the Lieutenant Governor in Council to do something in legislation. However, it is certainly intended that regulations would be passed.

**Ms. Martel:** I know what the intent is, but I’m looking at what the bill says. Legal counsel, can you give me a clear explanation as to what constraint may or may not be on the LGIC? I’ve got to assume that in some other statute somewhere it says, “The Lieutenant Governor in Council shall”; I can’t imagine that we only ever use “may” with respect to what the Lieutenant Governor in Council can do.

**Mr. Lillico:** I don’t know of another statute that provides that the Lieutenant Governor in Council “shall” make regulations. Subsections 6(1) and (2) provide that the LGIC “may” make regs, and that when that happens, they shall have a specified content. I think that’s the more usual procedure.

Another issue that arises is that if the section said, “The Lieutenant Governor in Council shall make regulations establishing accessibility standards,” then the Lieutenant Governor in Council would be out of compliance with the law if one moment in time passed between that provision coming into force and the first standard coming into force. Of course, it wouldn’t be possible to do that, because the standard cannot come into force until the entire standards development committee process has taken place: The committee has met, they’ve made a recommendation to the minister, it has been put on the Web site for 45 days, it comes back to the minister etc. So as a matter of law, the first standard cannot come into force at the same time that the provision comes into force. If it said that the LGIC “shall” make regs establishing standards, then the LGIC would be out of compliance with the law, and there’s no legal way around that.

**Ms. Martel:** Does the same thing happen if you say “minister” instead of “LGIC”? You’re changing by regulation, so it’s a little tougher.

**Mr. Lillico:** The standard can’t come into force except by regulation, and the regulation cannot be made until the process of establishing the committee—going through sections 8 and 9, that were referred to earlier—has taken place: The committee has met and come up with the recommendations etc.

**Ms. Martel:** For your consideration, Mr. Jackson is going to put on the record a way that you might get around that.

**Mr. Jackson:** David, is it not possible to state within the time frame of the bill, since the bill says that we shall reach a level of compliance by the year 2025—so we have an end date—that we shall make regulations in accordance with or that flow from the work of the standards committee? I've seen that in legislation over my 20 years at Queen's Park. Instead of making it general, which I guess Shelley and I are accepting to a degree, make it specific, which I've seen in legislation, instead of all-encompassing. The act clearly sets out the progression of the evolution of the standards, but at the end point the standards have to come into regs. It doesn't even see, say, which ones or from which number of committees. It just says that once you get the standards, they shall be put into regulations. Given what we just asked about the lack of regulations in three and a half years, I think it's important.

Sorry, Shelley. Thank you.

**The Chair:** Is there an answer to the question?

**Mr. Jackson:** That was a question to David.

**Mr. Lillico:** We can consider that from a drafting point of view.

**Ms. Martel:** OK. I'd appreciate that.

I have a question about the section on tribunals. As I read it, there certainly is an opportunity for there to be more than one tribunal established. I wondered why the ministry would not have a single specialized tribunal, with the majority of participants being representatives of the disabled community, to deal with situations that arise from this legislation. I think what you want here is a panel, if I can describe it, which would have some very specific expertise and a body of knowledge that would be helpful to make standards to deal with complaints etc. over the period of time that all of these are to go into effect. We have a very long time frame—too long, in my opinion—for the standards to be established.

Instead of using a single tribunal with very clear expertise, with a majority of representatives being from the disabled community, why was there a decision made to pick and choose, have a tribunal here, have a tribunal there, where you may lose some of that expertise?

**Ms. Hewson:** The provision that allows for a designated tribunal gives a lot of flexibility. So there could be a specific tribunal or there could be a use of existing tribunals, where they have the expertise, where the subject matter is more closely aligned to the kinds of things the tribunal is currently dealing with. It leaves it fairly open, but there are opportunities to provide that requirement to whichever tribunal is the most appropriate.

**Ms. Martel:** Can you tell me, because I honestly don't know, what would be the tribunals that you see already in place that could logically deal with some of the issues that are going to arise here? You're talking about the Ontario Human Rights Tribunal.

**Ms. Hewson:** That certainly could be one.

**Ms. Martel:** OK. Can I raise a concern? Right now it takes people three, four or five years to get complaints through the Ontario Human Rights Commission and through the tribunal. This is a process that is not working in Ontario. As supportive as I am, it is not working. So to look to additional responsibilities for an existing tribunal where there is a long wait list is not an option for me. I would much prefer that we look at establishing a separate tribunal that has no wait list before it, whose particular expertise would be in dealing with this bill and everything that flows from it. Is the ministry open to considering that? I think your other option is one that's just not going to work.

**Ms. Hewson:** I think the fact that it is a designated tribunal means the ministry is open to a variety of possibilities. So I would imagine that the ministry is very open. However, I would just like to point out to you that you can only get to the human rights tribunal itself if you've been through the Ontario Human Rights Commission. That would not necessarily be the case here if the human rights tribunal were a designated tribunal.

**Ms. Martel:** But even for the cases it's dealing with right now there's a long delay. To give you an example, there are a number of parents of autistic children before the tribunal now. They've been there for over a year and there is no end in sight. I'm not blaming anyone; I'm just saying that is the reality of what we're dealing with at the tribunal.

**Ms. Hewson:** The only thing I just wanted to point out is that there is a process of investigation and so on at the commission before it does reach the tribunal, and we wouldn't be dealing with that.

**Ms. Martel:** You're right.

**The Chair:** There is one minute left.

**Ms. Martel:** With respect to what the tribunal can do, I don't see a lot of guarantee about public access. First of all, I don't really see where there is an opportunity for people to make complaints if they are concerned about an accessibility standard—not an organization to which the standard has been applied, but persons who are concerned that a standard may not be stringent enough or may not be implemented properly. I don't see much room for them at the tribunal, because the tribunal seems to be a place where you go to deal with an order. What is the mechanism for public input around complaints that accessibility is just not being achieved in a timely fashion, be it in one sector or another? Where do people have a chance to fit in here and have their complaints reviewed, investigated in a very serious manner, and adjudicated?

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**Ms. Hewson:** There is no individual complaints process provided for in the bill. Individuals who believe they have been discriminated against under the Human Rights Code can go to the Human Rights Commission. However, this bill is proactive in nature, with standards that have to be complied with, so the organization that is required to comply with the standard must do so. It must provide its report to the public, so there is public access



to information there. It must file its report with the government, and there can be an inspection. So somebody who felt the organization was not, for example, complying with the standard could first of all go to the organization itself based on the report and say, "You say that you are doing X, but here we see that you are not doing it. Therefore, you should do it." That's one mechanism. It is not a legal complaints mechanism.

The second mechanism would be to indicate to the inspector, and that may be a reason to audit the organization or to inspect it. But you're quite correct in that there is no individual complaints mechanism. There are many opportunities for people to be involved; for example, there is the public consultation process for the standards themselves. There are municipal advisory committees. There are other mechanisms as well for public consultation.

**Mr. Kim Craitor (Niagara Falls):** Thank you very much for the briefing. I just want to talk to you with respect to section 1 of the act, the one that deals with accessibility standards. You've got them listed here. Does transportation fall under one of these?

**Ms. Hewson:** Yes.

**Mr. Craitor:** In order for me to grasp how this act functions, let me just run by you a situation that we have. I'm the member who represents Niagara Falls; I cover Thorold and Niagara-on-the-Lake, so I want to understand how this act would benefit people with disabilities from that area. In that area, we have a number of communities, including Welland, Pelham, Wainfleet, so there is a large geographic area that has to be covered for people who have disabilities when they want to access services. It could be dialysis services, going to Brock University, going to Niagara College: There's a large area that they have to move around in.

Within the region, municipalities do have disability committees. I was a city councillor, and we had one in Niagara Falls; so do a number of the other communities. Then, within the region, there's a regional government. They also have a disability committee. One of the issues that we have been trying to come to grips with at the regional levels is, how do we set up within the region an inter-municipal transportation system so that people throughout the region would have access to moving around and getting the services they need?

Watching the process back within the region, it seems that the communities and the representatives who sit on regional government and speak on behalf of their communities can't seem to buy in collectively to this concept. So in some municipalities you have their elected officials saying, "Good idea," and you have others saying, "No."

Having said all of that to you, how would this act play into that so that there would be an onus at the regional level that they would come up with a system that would assist people with disabilities so they can move around throughout the entire region?

**Ms. Hewson:** The act would provide for the development of specific standards, and the standards in transit—well, let me back up. The first thing that would happen

would be that there'd be a standards development committee that the minister would appoint, and that would be in the area, let's say, of transit. So there would be representatives of people with disabilities, there would probably be transit providers and likely municipal people as well—so people representing the sector that is going to be regulated—and, third, probably people from the Ministry of Transportation and maybe the Ministry of Municipal Affairs and Housing. Those people would develop a long-term vision for accessibility. So, if you were to achieve accessibility in the transportation sector, what would it mean? They would identify what the long-term goals are.

Once they do that, they would look at what is achievable in the first five years, what is technically feasible, they would look at the economics, the opportunities for transit investment, and they would come up with standards, probably in four main areas: (1) physical accessibility; (2) customer service; (3) communications; and (4) employment. But there may be other things as well that you need to address to get to accessibility in that sector. So they would come up with standards—specific outcomes that all providers of transit would have to achieve within five years. That doesn't specifically require transit providers to come together to create one transit organization, but it does create the obligation on each of those providers to meet those standards, and they may find it is more efficient and effective to band together in order to do that.

**Mr. Craitor:** I'm not really feeling comfortable with what you just said. You're telling me that five years—we have all these groups that have already gone through this process locally and they know what the issues and the needs are. So they're going to start all over again?

**Ms. Hewson:** There are planning requirements now under the Ontarians with Disabilities Act, 2001. Transit providers have that obligation to provide an annual plan. There aren't specific outcomes that are required, but there are areas they have to look at. So those planning requirements will continue to be the law until there are standards in place, at which point that part of the Ontarians with Disabilities Act, 2001, would be repealed and then kind of replaced with the standards.

**Mr. Craitor:** Is there a faster process within this legislation than what you just told me, five years?

**Ms. Hewson:** Yes. The five years is within the standards development processes in the bill.

**Mr. Craitor:** How do you expedite it for something that's been discussed for years in the Niagara region?

**Ms. Hewson:** Well, the minister sets out terms of reference for the committee, and she could indicate to the committee that they needed to come up with something earlier. But remember, these will be standards that will apply across the province.

**The Chair:** Ms. Wynne?

**Ms. Kathleen O. Wynne (Don Valley West):** Correct me if I'm wrong, but my understanding is that if a particular organization or sector wants to move more quickly, that's where the incentive agreements come into



play. They can actually jump over some of the administrative requirements if they move more quickly.

**Ms. Hewson:** That's correct.

**Ms. Wynne:** So that would expedite the process that Mr. Craitor was talking about.

**Ms. Hewson:** Yes, and that's a legislative part. That's absolutely right.

**Ms. Wynne:** I have a couple of questions. One of them comes out of a meeting I had in my riding last week on this legislation. The discussion was not so much about the standards—I want to ask you about the move from a planning to a standards regime—but about the setting of the sectors, the determination of what the sectors were going to be. It was a question I didn't have a good answer for. So my question is in two parts. The role of the ASAC, the Accessibility Standards Advisory Council, and the Accessibility Directorate—first of all, what's the difference between the roles of those two bodies in terms of the standards committees? And, related to that, how are the sectors—because we can talk about transportation, but are there particular disability areas that will be sectors? How are those sectors going to be determined? I expect that's not finalized yet, but—

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**Ms. Hewson:** Let me try to deal with what a sector is. A sector is not a specific disability, it is a sector of the economy. So it could be hospitality, it could be transit, it could be municipalities. It's a group of service providers—I can't think of another term for it—that will have the same kinds of accessibility issues. So you can imagine that hotels might have the same kinds of accessibility issues; municipalities would.

You're right. There is some work that we're working on now but we don't have a perfect answer yet on what a sector is. The bill, though, knows that there are going to be different rules that could apply to different organizations, or you could be one organization and theoretically there could be different sets of rules that apply to you. That can happen and the standard-setting process will have a mechanism for determining which set of standards will apply. We're planning to do that, actually, and providing some help to organizations so that they would be able to electronically have the kinds of requirements that are going to apply to them and that could be combined even with reporting.

**Ms. Wynne:** So the fine-tuning of the particular group of people within a sector is going to happen; it's going to be the refinement within the economic sector? It's a very tricky question because if you're talking with people who have acquired brain injury, as opposed to people who are deaf-blind, the requirements are different. The economic sector may be the same but the requirements for accessibility are going to be quite different.

**Ms. Hewson:** That's right, and one thing I should say is that one of the first things the sector development committees will be doing is refining the idea of sector.

**Ms. Wynne:** Right, OK.

**Ms. Hewson:** The other thing they'll be doing is trying to define what accessibility is in their sector, and

to do that, they are going to need to look at the full range of disabilities.

**Ms. Wynne:** Now you're talking about the disability sector. Or are you talking about the economic sector now?

**Ms. Hewson:** The economic sector will be the standards development committees. So you'll have, let's say, people from hotels, you'll have people with disabilities and you might have the Ministry of Tourism or the Ministry of Economic Development and Trade. Those are the people on the standards development committees. They're looking at the hotel sector. One of the first things they will do is determine what is accessibility in the hotel sector. In order to do that, they need to take account of a full range of disabilities.

**Ms. Wynne:** So all of those different communities are going to have to feed in from their perspective what accessibility means and then that becomes the discussion on the standards development committees.

**Ms. Hewson:** That's right.

**Ms. Wynne:** OK.

**Ms. Hewson:** And they can't just focus on physical disability for people. They have to recognize there is more than that.

**Ms. Wynne:** Is there anything in this act that allows for that meta-process of feeding in from the different communities what accessibility means? Because that's almost a step back from what this legislation does. Is there anything that provides for that?

**Ms. Hewson:** The bill itself provides a very broad definition of disability. Secondly, there are people with disabilities who will be on the standards development committees. Thirdly, the accessibility directorate, which is where you started out, will be providing a lot of work to the standards development committees. We have a number of years of experience in helping organizations plan for accessibility. In order to do that, they have to look at the full range of disabilities. So we have lots of experience within the accessibility directorate on that very issue. That can be provided.

**Ms. Wynne:** So that's what the directorate would be doing, providing that kind of advice?

**Ms. Hewson:** That's one of the things the directorate can do, and they can do other things. They can do public education. They can assist the standards development committees with technical information. They will also do general policy work, as well, around accessibility issues.

**Ms. Wynne:** OK. My last question is a more global question. You had talked about moving from a planning regime to a standards regime, and it seems to me that the reason we should be celebrating this legislation is that there is a tightening up of requirements in the broader community for all people with disabilities and for accessibility in general. It's great to have a plan, but if there is no requirement to implement the plan, which it seems has been the case for the last number of years, then things are not going to get better. Can you talk about how this bill is going to move us, and what that means, planning to standards regime?



**Ms. Hewson:** I maybe would just start by saying that the government undertook fairly broad consultations on how to strengthen the existing legislation. What they heard was that there was a lack of clarity around specific outcomes that were required because there was just a planning requirement with nothing specific about what the plans had to achieve.

So there was a feeling, that was fairly generally shared, that there was uncertainty about what achievements actually had to be made and that the plans did not address that. So there was a lot of inconsistency and, as you say, there wasn't a requirement to actually implement. That was something that came out of the consultations that took place last year with, I think, over 2,000 people participating.

The decision was made to move to a standards approach, recognizing that there needs to be a lot of participation by the sectors that are going to be regulated, a lot of knowledge that needs to be acquired, and a lot of harnessing of the good practices that are already out there, because many organizations go through the planning that they've done, and also the private sector, either because they have been compliant with the Americans with Disabilities Act or they just believe that it's important to being accessible to people with disabilities.

So there's a lot of good activity out there that can be harnessed, a need to use that to build on the good practices that have taken place and to provide more certainty and specifics, and outcomes and measurable results, rather than plans.

Having said that, the planning requirements—sorry, one other thing I should mention is, through the consultations it was noted quite a lot that the current act, the Ontarians with Disabilities Act, 2001, applies only to the government of Ontario, municipalities, transportation providers, universities, school boards and hospitals. So it's to the broader public sector. There was a desire to expand that and apply it to the private sector as well.

The application, the results-based focus, and the certainty were all identified as reasons to move to a standards-based approach.

**Ms. Wynne:** Great. Thank you very much.

**The Chair:** Mr. Fonseca, two minutes to go.

**Mr. Peter Fonseca (Mississauga East):** I'll be brief. It's in regard to the range of disabilities, or that spectrum, and when it comes to disabilities that may be invisible, those that are mental health or addictions. Where does the spectrum start? How do you define that?

**Ms. Hewson:** It's a very broad definition, and I'd just draw your attention to section 2, "disability." There are five parts to that. This is basically the same definition as in the Ontario Human Rights Code, which is a very broad definition. So it's very clear that it is both visible and invisible disabilities. It is physical disabilities, it is mental disabilities, it is sensory. It's a very broad range of disabilities.

I think that is one of the things the standards development committees will have to take into account right from the beginning, that they will need to address a broad

range of disabilities, and there are different activities that need to be undertaken in order to address the whole range of disabilities.

**Mr. Fonseca:** A question about one of the industries: With the airline industry, where you go to the federal level of government, what would happen in a case like that?

**Ms. Hewson:** This is provincial legislation, and it applies to those organizations that are subject to the provincial jurisdiction; so not airlines.

**The Chair:** Thank you, and that terminates this part of the presentation.

**Ms. Martel:** Mr. Chair, may I just raise a point of order? Some additional information just before we leave, because I'd like some clarification on the questions that were raised by Mr. Craiton and Ms. Wynne.

Can the incentive agreements be signed before the regulations have been passed, or after? As I read your page 17, I thought that it said the incentive agreements could only be entered into after the requirements had been outlined in the regulations, which would, from my perspective, still not respond to Mr. Craiton's concerns about work already being done and how much longer the process would take as you develop standards.

So you don't have to do that now, but if you can get back to the committee about this, because essentially the time frame, then, would not be shortened, and that's what I'm worried about.

**The Chair:** Any other questions? I thank you again for your presentation.

1030

**The Chair:** Next is the opening statement by the minister, the Honourable Marie Bountrogianni.

Welcome. Good morning.

**Hon. Marie Bountrogianni (Minister of Children and Youth Services, Minister of Citizenship and Immigration):** Good morning, everybody.

Mr. Chair, members of the committee, today we take a momentous step for Ontario as this committee begins its review of the proposed Accessibility for Ontarians with Disabilities Act, 2005. This landmark bill, which I was honoured to introduce on October 12 as the first order of business in the fall sitting, is about fairness. It is about opportunity, inclusion and empowerment, building stronger communities and a stronger economy, and making Ontario the place to be.

The vision behind this bill is an inclusive Ontario. As Premier McGuinty has said, "Every Ontarian deserves the opportunity to learn, work and play to their fullest potential, and every Ontarian benefits when we tap into the potential of each Ontarian."

Inclusion is not only the destination; it is the vehicle that will take us there. We have developed this bill through a participatory, inclusive process. If passed, people with disabilities and other stakeholders would have a real voice in setting accessibility standards that make a real difference.

As every committee member knows, by providing full accessibility for people with disabilities, Ontario would



benefit enormously: more participation in the workforce by people with disabilities; improved educational achievements by thousands of young people; a higher quality of life for citizens; more consumer spending; and an enviable reputation across Canada and around the world.

With this legislation, the government proposes action to remove the barriers facing Ontarians with disabilities, whether those disabilities are visible or invisible: real, physical barriers; real technological, communications, bureaucratic barriers; and, very importantly, real attitudinal barriers. I've been told over and over again that the community is confident that this proposed legislation would finally take those barriers down.

Since introducing the bill, I've had the opportunity to meet with a number of disability groups. When I visited Community Living London, I saw the wonderful work they are doing to support adults and children with intellectual disabilities.

For instance, I attended the annual general meeting of the Ontario Special Olympics to salute the remarkable athletes and the dedicated volunteers and staff. I remember being so humbled that evening to assist in presenting awards to the extraordinary people involved in the Ontario Special Olympics, like the Metro Leafs floor hockey team, who won team of the year. They could teach us all a lesson in team spirit, and hearing their stories of triumph is something I will never forget. I was honoured again yesterday, in Stoney Creek, for the skating Special Olympics. These truly are the best people, pure at heart and bold in spirit.

In Ottawa, I toured the Independent Living Centre. I saw first-hand how individuals are given the chance to develop skills through workshops, a library, newsletters, Internet access and other services. I also met with Disabled Persons Community Resources, which helps ensure the independence, participation and integration of people with physical disabilities.

I also met with the regional municipality of Niagara accessibility advisory committee and learned about the gains the region has made to improve accessibility.

In November, I toured the Canadian National Institute for the Blind's new service centre and their extraordinary and fully accessible library.

On December 3, the day after Bill 118 received approval in principal in a unanimous vote at second reading, I took part in an inspiring event in Ottawa to celebrate the United Nation's International Day of Disabled Persons, hosted by the Canadian Association of Independent Living Centres.

All of these groups, and many more, are knocking down barriers facing people with disabilities. They are champions of ending inflexible approaches and old attitudes. All of them are leaders in the movement toward full equality, toward fairness, toward a truly inclusive society. This is the true spirit behind our proposed Accessibility for Ontarians with Disabilities Act, 2005.

In the fall, the Legislature debated this proposed legislation. The debates showed how very personal the issue

of accessibility is for each member. Most of us know someone who has trouble getting around physically, has vision loss, is hard of hearing, has a learning disability or mental health challenges or copes with a chronic condition. In Ontario alone, 1.5 million people with disabilities encounter barriers every day, from insurmountable curbs on the street, to telephones without volume controls, to restaurant menus in small print, to insensitive customer service.

Members on all sides spoke with deep passion and emotion about the obstacles faced by their constituents, their families, their neighbours, their friends, their loved ones and, in some cases, themselves. For example, I remember Kathleen Wynne telling us about the Villatones, a group of teenagers with disabilities who came together to form a singing group that traveled across the province. They had no systematic support, couldn't go into restaurants when they traveled and had no way of entering many public buildings. They had to fight for funding to buy a van so they could do their radio shows in small towns. It is for people like the Villatones that this legislation is so essential.

We all agree accessibility is the right thing to do. It is also the smart thing to do. Within 20 years, as our population ages, more than one in five Ontarians will likely have a disability, up from 13.5% today. We have to prepare for a future that is fast approaching. Many business leaders recognize the value of accessibility in terms of expanded markets for their products and services—a market already estimated at \$25 billion a year in Canada, according to a Royal Bank report. Apart from purchasing power, people with disabilities have untapped employment potential that can be developed to build a stronger economy.

Our major trading partner, the United States, is moving ahead with accessibility. They're expanding their labour market and consumer market by opening up opportunities for people with disabilities. In the US hospitality industry, for example, implementing standards under the Americans with Disabilities Act increased annual revenue by 12%, according to a US General Accounting Office report. That's action on the macro level. It's happening in response to change at the micro level. For example, a theatre company in Ohio used one customer complaint about listening devices to launch a whole program of accessibility. It decided to do weekly tests of its headsets in all 100 of its theatres. It provided new maintenance training to employees. At the ticket booth, it advertised the availability of listening devices for patrons. The company also trained all its staff in customer service for people with disabilities and on the requirements of the Americans with Disabilities Act.

Big change starts small. Some say accessibility sounds like a good idea, but how can we afford to do it? The answer is, we can't afford not to do it. The issues are clear. The needs are real. The potential is extraordinary.

The roots of the proposed legislation now before us can be traced back 10 years. That's when a small band of 20 Ontarians with disabilities formed a committee for the



purpose of making Ontario barrier-free. I'm proud that, first, as opposition members and then in office, we listened and responded. But the real credit for making this bill happen goes to those Ontarians with disabilities who pushed so hard for so long. For 10 years, they would not give up. They will never give up, nor should they.

During the 1995 election campaign, the Ontarians with Disabilities Act Committee asked all three parties to pass this kind of legislation. The Tory government said they would do it in their first term, but to the dismay of the disability community, they failed. As their first term was drawing to a close, the House demanded action. I'm referring to the resolution introduced in October 1998 by my colleague Dwight Duncan, now Minister of Energy and government House leader. This resolution called on the government to enact disability legislation based on 11 principles that had been articulated by the ODA committee. The House unanimously adopted the resolution.

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A few weeks later, in November 1998, the Tory government tabled the Ontarians with Disabilities Act, 1998. The bill was widely rejected by the disability community. When the Legislature adjourned in the following month, it quickly died on the order paper. Finally, not after the first term but six long years later, in November 2001, the former government at last introduced and passed the Ontarians with Disabilities Act, 2001. I believe this was introduced in good faith, but it too was dismissed as ineffective by advocates for people with disabilities.

In April 2003, with another election in the offing, Dalton McGuinty, as Leader of the Opposition, sent a letter to the ODA committee. He wrote that if we formed the government, we would enact a strong and effective Ontarians with Disabilities Act.

The legislation before us is a priority for the Premier. He instructed me to make it a priority—something I was honoured to do. In our first throne speech, shortly after forming the government, we said we would work with Ontarians with disabilities on meaningful legislation, and that's exactly what we did. From January through March 2003, my former parliamentary assistant, Dr. Kuldeep Kular, and I undertook a series of consultations across the province. More than 1,000 individuals participated in seven regional public meetings, 246 stakeholder representatives took part in 14 round tables, and a live Web-cast for students with disabilities registered about 2,000 viewer hits. All these sessions, of course, were fully accessible to persons with disabilities. As well, countless individuals spoke to me to express their personal hopes, their practical suggestions and their unwavering determination to build a truly inclusive Ontario.

In these consultations, people with disabilities told us that we should listen to their needs, their aspirations, their ideas, their dreams. That is what we have tried to do in developing the proposed new accessibility legislation. Ontarians with disabilities urged us to address the need to respond to the full range of disabilities, both visible and invisible; the need to fully include the private sector as

well as the public sector in the legislation; the need for strong enforcement measures; and the absolute imperative of enabling people with disabilities to be ongoing partners in shaping the policies that affect their lives.

As we met with communities around Ontario, we made a point of inviting business people to the table, and the result was positive. What we heard from business leaders were their own personal experiences, stories about parents with disabilities or children or grandchildren or brothers or sisters or employees.

Adding up all this input, the bottom line is unmistakable: This province needs meaningful legislation to deliver fundamental change, real change in the way we think and act as a society. If passed, this legislation would do just that. Under this bill, accessibility standards would be phased in with real results every five years or less, moving toward an accessible Ontario in 20 years.

Mandatory standards are the building blocks of an accessible society. Standards set out the measures, policies, practices and other actions that must be taken to prevent and remove barriers. The proposed standards would address key areas of daily living, including access to goods, services, facilities, accommodation and employment. They would cover the full range of physical, sensory, mental health, developmental and learning disabilities, and they would be given the force of law through regulation and enforcement.

Businesses frequently say that they want to make their establishments more accessible, but they are not sure what needs to be done. Standards would bridge this gap. Standards could range from safe pedestrian routes into buildings, to automatic doors at entrances, to lower counter heights at cash registers, to staff training in how to serve customers with learning disabilities, to adaptive technology in the workplace.

The best way—indeed the only workable way—to develop standards is through an inclusive process involving government, public and private sector partners, and people with disabilities. Under the proposed legislation, the government would establish standards development committees in specified industries or sectors. Each committee would determine the long-term accessibility objectives for the sector as well as the time frames for achieving them. Representatives of the industry or sector involved, provincial ministries and people with disabilities would be invited to join the standards development committees. People with disabilities want to be full partners in developing the standards that affect their lives. If this legislation is passed, they would be.

In all the business sectors, the government would ensure that the committees are representative of small as well as large firms, together with people with disabilities and other interested parties. We would also ensure balanced representation on the committees, so that various geographic perspectives are reflected where appropriate.

Standards development committees would have flexibility. There would not be a one-size-fits-all approach. Small business representatives on the committees, for



example, could help establish realistic obligations for their type of operations. If the proposed legislation is passed, we would begin immediately to set up standards development committees. We estimate that the first sectors could begin developing standards by the fall of 2005. Based on current readiness, the first sectors could be the retail, hospitality and transportation areas, because they have a big impact on everyday life. The first standards could be ready for adoption as regulations as early as the spring of 2006.

As the government relations director for the Retail Council of Canada, Doug DeRabbie, has confirmed, "Our members want to be proactive in this area—they want to make sure that people of all abilities have equal access." That is why the Retail Council of Canada has begun the development of a working group on this issue with companies across Ontario. The Ontario Chamber of Commerce has also offered their support to educate the public, both their members of small and large businesses as well as the greater public in their communities.

Let me refer back to the unanimous resolution passed by the Legislature in 1998. The 11th and final principle in that resolution included the following: "The Ontarians with Disabilities Act must be more than mere window dressing.... It must have real force and effect." Unlike the previous ODA legislation, our legislation would have real force and effect, real teeth. It would provide for realistic timelines, and it would put in place strong enforcement measures. It is all well and good to set standards for installing ramps or getting menus into alternate formats or improving customer service, but without timelines, we just have window dressing. Our proposed legislation is both visionary and realistic. Real results would be achieved every five years or less, moving toward an accessible society within 20 years. We have learned from jurisdictions that had good visionary goals but did not have timelines and therefore did not meet their goals.

Realistically, this cannot happen overnight. But what can happen rapidly is to accelerate progress so momentum builds, accessibility improves markedly and change becomes unstoppable. That's what we propose to do. There has been considerable discussion about the 20-year time frame, and I understand that 20 years is a long time to wait, a long time for people with disabilities to fully participate in our province. But let us make it crystal clear that 20 years would not be the starting point but the end point. Within five years, people with disabilities would begin to notice real, fundamental change in our society and our built environment. Ontarians would enjoy greater access in such areas as buildings, transportation and customer service. We would see a shift in this province's thinking with regard to accessibility.

**1050**

Businesses have welcomed the phased-in approach. We have listened to their concerns, and we have addressed them. They say it would give them the time to absorb the costs associated with making their facilities accessible. Our approach of establishing a long-term

vision with milestones along the way is in line with other leading jurisdictions. For example, with regard to transportation barriers, Australia has a 30-year time frame with five-year goals for implementing full accessibility, and the United States has transportation time frames ranging up to 30 years. David Lepofsky, of the Ontarians with Disabilities Act Committee, has also supported the idea of setting benchmark periods based on needs and resources. "We're very practical," he said. "We want business to make money on this, not lose money on this. We want to bring more business in their door, including customers with disabilities and their friends and families."

The bill could potentially cover more than 300,000 public and private organizations. We would need innovative enforcement solutions to get cost-effective compliance, and the proposed legislation would provide for them. This is another way it would have teeth. The bill would require organizations to file regular accessibility reports confirming their compliance with standards and to make these reports publicly available. The public compliance reporting would be the front line of the enforcement process. It would create a picture of the entire regulated community. The government would review the accessibility reports, and problems could trigger an inspection. The reports would also undergo spot audits to verify accuracy. The bill would establish tough penalties for filing a false report or failing to obey an order.

We want Ontario to lead, not lag, in accessibility. If passed, we would become the first Canadian jurisdiction to adopt a comprehensive approach covering all spheres of government and business, covering all disabilities and covering all major aspects of daily life. I'm pleased that the Legislature unanimously approved second reading of the bill on December 2 and that we have now entered the committee stage. I'm more than prepared to listen to workable suggestions for improving this bill, whether from members of the committee, from the witnesses who will be appearing or from written submissions. We all share the same goal: to produce the best possible legislation to benefit all Ontarians by achieving accessibility for people with disabilities.

One of our biggest challenges is a change in attitudes, because that is one of the biggest barriers people face. Some of us remember a time when job opportunities for women were limited because some employers didn't have women's washrooms. Today that is hard to fathom. When I tell my daughter of my personal experience in this in engineering, she can't believe it: "Are you that old?" Maybe, but the real answer is, it wasn't that long ago.

We need that same inclusive mindset when it comes to disabilities. We want our children and grandchildren to grow up in a society where they can't imagine that accessibility for people with disabilities was ever an issue. We want a society where people will say, "What were they thinking, complaining about a ramp? What were they thinking, complaining that menus should be in Braille or large print?" We want a society where people



with a disability can move freely around their neighbourhoods, where they can easily visit their friends and families using public transportation, where they can fully enjoy the recreational, cultural, leisure and volunteer experiences available to other members of the community. The time has come to move forward.

It's a challenge for all of us. We all know the incredible benefits to be gained by all of us with the integration of persons with disabilities in every aspect of our political, social, economic and cultural life. We want Ontario to be a leader in building a world of true inclusion. We want every Ontarian to have the opportunity to learn, work, play, participate and contribute to the maximum of their talents, goals and dreams. That is essential to the social and economic vitality of our province. It is fundamental to embracing and celebrating our common humanity. The creation of an accessible Ontario is a vision and a challenge for us all. It is our shared responsibility and an extraordinary opportunity.

I thank the committee, and I look forward to suggestions and comments.

**The Chair:** Thank you, Minister, for the opening statement. We have half an hour for the opposition to ask questions. I will start with the opposition, with 15 minutes.

**Mr. Jackson:** I am very pleased to welcome the minister and her new legislation. The original legislation calls for a five-year review. You're a little early, so that's wonderful.

As the drafts person of Bill 125, I obviously have some technical questions, which I've raised with the three staff who were here from the ministry, all of whom I had the privilege of working with in developing the original legislation. But there are also some larger public policy questions that form the principles and the underpinnings of the original Bill 118 and they are not necessarily consistent with Bill 118. I'd like to put that on the record, to express some. I believe that with the exception of not having a clearly defined end date for all aspects of accessibility in the province—so with that exception—there were elements in Bill 125 that called for the setting of standards and who was empowered to set those standards, and there is a clear distinction here. So let me just suggest a few things.

First of all, the principle I first applied to the legislation was that it had to be an empowering model. Again, I've seen far too many, whether school boards or municipalities, water down the intent and concerns that individuals bring forward—any level of government, for that matter. The empowerment model was an important aspect of any legislation because it meant we could take the disability community and they could educate those able-bodied persons about what their true needs really were. As long as you have a majority of disabled persons in decision-making positions, they will make the proper decisions, understanding what financial limitations any level of government has.

The second principle was that everybody talked to us, and I'm sure the minister talked to you, about the ability

to pay. Now, we can certainly triage this question quite easily; we do it every day in government. The ability of the federal government, with all its taxing powers, is greater than the province and greater than the municipality and so on and so forth, down to the local confectionery store run by two new Canadians. It always struck me—and I remember it was Dean LaBute in Windsor who, in my first day of consultations, said to me, "Cam, why aren't you starting with what you control now?" It was a very powerful question. The question was basically saying, "That government of Ontario building isn't accessible. You don't need 10 years or 20 years or 30 years to make that determination." Surely the government, armed with the battery of rulings from the Ontario Human Rights Commission—clearly those would indicate that you could fix that. You should have some mechanism in which those decisions can be made.

The third thing I learned from Windsor was that they had already had an accessible advisory committee operating for 10 years and they could demonstrate very clearly what they had achieved and what changes—and really positive changes. They were educating the powerful decision-makers and they were causing change to occur. That's how the construct of the accessibility advisory committees was developed. In those days, the notion that we try to create regulations for an entire province would be far more difficult than it would be to set standards that each municipality could negotiate directly with the majority of disabled persons who were empowered under the act.

Which brings me to the concern I have that there are certain key sections of Bill 118 being abandoned in this legislation. Disability rights and the growth of their rights in this province is an evolutionary process. It's not a devolutionary process where we say, "We're going to dump this whole effort to date and we're going to reconstruct over here." It just doesn't make sense. But in fact we are doing that in a couple instances with your legislation.

The first case in point is the positive onus required under law for each ministry of the government of Ontario to create accessibility plans that are then in turn reviewed by the Accessibility Advisory Council of Ontario and that they then in fact recommend to the minister that these are the kinds of laws, regulations, codes, penalties, whatever, that are required to be put in place to achieve the compliance first by the provincial government within a 10-year period. I can say that because that was in the cabinet minute and that was the big fight I had at the cabinet table about timelines. But the cabinet minute clearly says that the government of Ontario should be compliant within 10 years. That is not a standard that we feel we could present to municipalities, which objected strenuously that unless there was funding by the province to assist them to become accessible, they could not achieve that.

Now, that was an interesting statement, because I could find every municipality in the province saying they would be more than willing to endorse the principles of



an ODA but not one municipality willing to put up any money or earmark that. Therefore, that became a challenge. Clearly, they weren't even buying any year, let alone a 10- or a 15- or a 20-year window.

**1100**

I note that at the time, Jim Bradley indicated that any legislation for the disabled that didn't include funding for municipalities would be tantamount to downloading. He's clearly on record in Hansard. He expressed the concern and he has begged the question.

My office has submitted an order paper question to your ministry asking for any of the costing that went into this legislation. I know it exists, because I know that I wasn't allowed to take anything to Management Board or to cabinet unless I had it costed. So you do have costings in terms of what this would cost the government and the broader public sector. Those costs exist, and yet I've been formally informed that under freedom of information, those requests have been blocked. Minister, at some point I'll let you explain to the media and to the disability community why we do not have access to that information.

When we're dealing with accessibility, one of the first victims is the facts, and we need to have those facts. I know that when the costs associated with making the various ministries fully compliant within the 10 years were—we had a draft of what those costs were. In some ministries, they were horrendous. Just to give you an example, if we keep GO Transit under transportation, those costs are not in the hundreds of millions of dollars but in the billions of dollars. If we go to education and talk about autistic services, we're talking about hundreds of millions of dollars. So in order to have the Ontarians with Disabilities Act be compliant with the principles of the Ontario Human Rights Code and to have the code impact and guide any standards set—now, you've got a bunch of committees doing it. Under the previous legislation, we only had one committee setting the standards; the Accessibility Advisory Council made those decisions. But there are huge cost implications for this, and the public needs to know what those costs are going to be.

How much longer do I have—about a minute?

**The Chair:** Five.

**Mr. Jackson:** Thank you very much, Mr. Chairman.

At some point during the course of the hearings, perhaps it could be made known if you're willing to embrace an amendment to the legislation that will call specifically for compliance with the Human Rights Code.

Last week I met with the chief commissioner, Mr. Norton, and we reviewed the sizable number of cases before him and the sizable number of mediated settlements and the fact that his process will continue but that there isn't an adequate individualized process contained in the current legislation. I'm not putting words in his mouth. He raised this in a letter to you, Minister, specifically about issues around monitoring and having an arm's-length auditing system which audits compliance in all of these various areas.

So we'd like to know that the bill can be strengthened in this area. This is important, because as your bill removes the responsibility of ministries and the government of Ontario, to be compliant on its own, you now have set up a process where you're going to create a civil servant, a director, who will mediate at the far end of the process, 15 or 20 years down the road, those people who are non-compliant. I find it really hard to believe that a civil servant and a director in your ministry is going to be able to mediate and arbitrate and pass judgment on ministers of the crown who are not compliant with the act. So I see that as a fundamental departure from the way the previous government envisaged holding the proverbial feet of the provincial government to the fire.

I would hope that you would retain those elements of the accountability for ministries, because they have the budgets, they have the expertise, and quite frankly we're impelled under the Human Rights Code to try all in our power to be compliant, and we shouldn't need to take the extra time in order to do that.

Prior to your arrival I had asked the staff; I was very disappointed to learn that section 21 of the previous bill dealing with offences was not proclaimed in the last year and a half. The suggestion was made that you were more involved in consulting, and that's fair. However, there are organizations out there in the province who have not filed their accessibility plans. Now all the ministries are no longer going to be required to fill them, to provide access plans under your legislation. That section is being deleted.

I have referenced this in the House and I want to bring it to your attention, Minister: The current access advisory committee would be monitoring all the access plans of each ministry. I have Attorney General Michael Bryant's access plan right in front of me. It talks specifically in a section—I believe the amount of money is \$80,000 that was taken out of the budget and has been set aside for making Ontario courtrooms more accessible.

That also means that another section, that says that all new construction for any ministry of the government of Ontario—and by extension, any organization or institution or transfer agency that receives capital funding—must be fully compliant to higher standards of accessibility, has been deleted in this legislation.

So I might even argue that in some instances, and again, I'm only guided by what I read and what the ministries are admitting to me—in the case of Michael Bryant, the Attorney General, he's actually removing earmarked dollars. I also know, according to the Treasurer, that he's got every ministry in the province considering how to cope with frozen budgets or reduced budgets. Some are protected. We know that; that's in the newspaper.

Again, the power of the audit committees or the accessibility advisory committee—and members who have been appointed to this arm's-length body are here in the chamber with us today. They're in the position to publicly state to taxpayers in this province, and more importantly, to the disabled community they're able to



articulate, "Here is a ministry that's actually taking its dollars away from its commitment to accessibility and spending it elsewhere." Again, the issues around transparency, reporting and auditing were an important fundamental aspect of the legislation I brought in in order that it would survive the changes of government and survive the financial difficulties.

I know I'm almost running out of time.

You know, we've seen recently a clause that says to the physicians of Ontario that if we run into financial difficulty, we may have to change what we're going to compensate you. I don't really think, when it comes to rights and, as my colleague Ms. Martel has said very clearly, to matters of discrimination, governments with the sizable amount of money they have shouldn't be put in a position that they can say, "You know what? We really just can't afford that this year. We're going to put that off another year."

So, Minister, I see room for a lot of improvement. Perhaps I know more about the legislation than the average person only because I devoted a year of my life to developing it and have spent considerable time analyzing the legal implications of the new bill. I would hope that you and your government would remain open-minded about those changes which will ensure compliance in the short term.

1110

Finally, I'll leave it with this one. There are two things being removed here: One is the Ontario elections, which are required to be fully compliant and accessible, and the other is this legislative precinct, which has to be fully compliant. Again, Minister, the cabinet minute required that regulations be drafted to deal with those issues. I'm just saying to you that there is an example where we can fix the legislation if, in your opinion, it doesn't exist—I'll grant you that—or we can retain those elements.

**Hon. Mrs. Bountrogianni:** We're not taking it away.

**Mr. Jackson:** Well, I—

**The Chair:** Thank you, Mr. Jackson. Maybe there will be more time later on.

**Mr. Jackson:** Thank you very much.

**Ms. Martel:** This morning I have a couple of concerns that I'd like to raise with you on behalf of our party, and I will give you some time to respond.

The first has to do with the time frame of 2025 to make Ontario fully accessible, which myself and my colleagues believe is too long. If I reference the resolution that was passed when you and I were both in the Legislature in October 1998, it says an Ontarians with Disabilities Act "should seek to achieve a barrier-free Ontario for persons with disabilities within as short a time as is reasonably possible." I don't think any of us who were there thought that meant essentially 20 years. I know that you've referenced people who have said that 20 years is appropriate. I'm going to reference some groups that said it's not.

This comes from the ARCH legal clinic. It was a synopsis of the bill they released publicly January 11, 2005. It says, "Many have said that the 2025 date is too

long from now. We share that view.... It is essential that as much as possible be accomplished in the first decade of the statute's life.... We recommend that the accessibility standards be developed by 2020."

And further, "of equal concern is the cycle of five-year periods set out for the development of accessibility standards.

"We ... think that five years is too long for this sort of project. People work most effectively when there are tight but manageable time frames. In general, it is our view that five years is too long for effective committee work or project development.

"Three years is a realistic commitment for an individual or a disability organization to make to any one project.

"We recommend that each stage of the process be reduced from five years to three years."

We also "recommend that the terms for those appointed to the committees should be the same length as the stages of development of the proposed standards."

Minister, I have to believe that in Ontario today we have the people with the skills and the expertise, we have the technology and I hope we have the will generally across all segments of society, but more importantly the political will, to be bold. In my humble view, 20 years is not being bold. Why is it that the government thinks we are not capable of making Ontario fully accessible to those who have been left out for far too long in a much-reduced time frame? Is the government prepared to reconsider the time frame so that Ontario would be fully accessible by 2020, and that the development of the standards would occur within a three-year, versus a five-year, time frame?

**Hon. Mrs. Bountrogianni:** With respect to the time frame, this was negotiated with disability groups, government, transfer partners and the private sector. I'll just quote you one person, without saying which company he's from, who said to me, "As a father of a disabled daughter, it's not fast enough. As an executive of a business, you're scaring me." Those are the sorts of comments we had to bridge. This comment came from the same individual. Those are the sorts of conflicts.

Having said that, I agree that 20 years is a long time. That's why the terms of reference do allow for less than five years for the standards as well. The reason we have the five-year standards is because we've learned from other jurisdictions, in this case the UK, that had admirable goals but didn't have those every five years. So when their 20-year time goal came up, very few people in England knew what a standard or even what the legislation required of them. We wanted to learn from that.

We wanted to learn from the United States, where just imposing without appropriate consultation leads to a very litigious environment, which is what we have in the United States right now. Not one case of mental health discrimination under the ADA has been won—not one. I learned this as of last year at the American Psychological Association leadership meeting. I asked specifically about this. They said, "It looks good on paper but we



didn't consult enough," and they're in court and they never win. I wanted to pre-empt that. I wanted to learn from other jurisdictions' examples, and I guess that was the one advantage of being behind in Canada.

I understand your concern, but 20 years is the end goal. If this legislation passes in the spring, or whenever it passes, we will start immediately with the standards committees. In fact, some legwork has been done in the areas I have already mentioned. As Mr. Jackson and you know, we have some leaders in the area in the private sector; for example, the hotel association, the retail council and other businesses. We have leaders who have already developed their own standards. Their question was, "Before we proceed, what are the government's standards?" So we are already advancing that.

The other reason the time frame is important is that it's not just the built environment and not transportation, it's everything—a fully accessible Ontario for everybody. That is much more complex than ramps and transportation. It also comes with attitude changes and education. We know that educating the public takes longer. I'm very proud of the public and how they've embraced this to date, but we did have comments in our consultations such as, "Will it take away from my child's activities in the school if you make it accessible to the one child who needs an elevator? What will this do for my child's curriculum? Are you going to take money from my child's curriculum to do this?" There are still attitudes out there that we need to change, and unfortunately that does not happen overnight. But to the best of my ability, I will push, I will encourage, I will do my best to make the terms of reference push for less than five years for certain standards.

**Ms. Martel:** Let me just respond in this way, and then I'll move on to another point: I ask myself the question, "Are we really challenging ourselves"—and I say that generally—"with the 20-year time frame?" I can't believe that we are. There will be some employers who will drag their feet for as long as they possibly can because they don't want to comply. We can't work from their timetable, because they are not interested in making the changes that are necessary to ensure that everyone can participate. There are some other employers, as we already said, who are well on the way, and we should be working with their best practices and seeing how much of their best practices can be applied to other sectors and in other jurisdictions to move people forward. I remain very concerned. Twenty years is a whole generation of people who will continue essentially to be left out when they have an enormous contribution to make.

I guess the challenge I leave with you is that if, during the course of the hearings, groups come forward and say, "We think the time frame should be less; we think we can rise to this opportunity and this challenge and do it in a shorter time frame," I hope your government will be prepared to listen to that, accept that and make changes, either with respect to standards development and that cycle and/or—and I hope both—with respect to a final time frame that would be shorter, so we allow people to participate fully much sooner than 20 years from now.

The second point I want to raise—it's funny that you mentioned court, because one of the concerns I want to raise is essentially with the purpose clause. Their reference for wanting a change had to do with whether or not people would end up in court because the interpretation of the statute might be challenged. Their concern had to do with the fact that the purpose clause currently talks about a benefit to all Ontarians, which is fine, when in their view the purpose of the act should be to ensure that Ontarians with disabilities can participate fully and there is an end to the systemic discrimination they have faced for so many years now. They very clearly believe—and I agree with them—that the purpose clause should very clearly talk about this legislation being anti-discrimination legislation. That is the purpose; that is the point. This is a group of Ontarians whom we are trying to benefit. So I'm asking—I asked this to staff earlier, and I'm sure ARCH and, I hope, other groups will come forward and talk about the purpose clause—if you would go back and have another serious review of the purpose clause to see how it can be strengthened so that the intent is clearly outlined: This is anti-discrimination legislation—that's the point—and it should be in the purpose clause.

**Hon. Mrs. Bountrogianni:** We will definitely take that under advisement, because that is the intent of the bill, or that was the intent of the bill. Indeed, any legislation that gives the most rights to the disabled will be adhered to, whether it's this legislation or the Human Rights Commission's. We are not taking anything away from the Human Rights Commission.

1120

**Ms. Martel:** I'm not suggesting that you are. A purpose clause, in law—if you're getting into litigation, the courts are going to be looking at what the Legislature and legislators intended. Right now, as I read the purpose clause, it says, "The purpose of this act is to benefit all Ontarians by...." I think the purpose of the act should be stated very clearly: "This legislation is anti-discriminatory." So I hope you will take another look at that and strengthen it so that's clearly outlined at the outset.

**Hon. Mrs. Bountrogianni:** We will.

**Ms. Martel:** Secondly, ARCH also talked very clearly about monitoring and evaluation. I want to read into the record what they said about the bill, and then you can respond. "Bill 118 does not expressly provide a means to effectively monitor the success of its implementation. Nor does it require the minister to publish an annual report on the progress of standards development or their enforcement. There is no mandatory evaluation process that will assess whether barrier removal has been successful." Finally, "There is no explicit provision for the maintenance of a publicly accessible database that could be compiled from the reports filed under" the act.

I wonder if you can respond to that concern, which I thought was most appropriate. If you're going to spend time developing a piece of legislation, we all want to make sure it's going to be implemented. How can you respond to ARCH's concerns?



**Hon. Mrs. Bountrogianni:** That's actually a very good point. Because of my previous profession, I'm a big believer in evaluation, research and monitoring, and will definitely take that under advisement. Again, this was meant to be a transparent and open process with the standards development committees and with the compliance and enforcement measures, but evaluation is very key. We could definitely take that under advisement. I would certainly require an annual report myself if I'm still the minister in two or three years. So I think that could be provided. We will look into that.

**Ms. Martel:** If you have an annual report that's given to the Legislature in the same way that the Ombudsman's report or the Environmental Commissioner's report is given to the Legislature, then it becomes a public document.

**Hon. Mrs. Bountrogianni:** That's a good point.

**Ms. Martel:** I think that would be one important thing; obviously there are other issues they deal with about evaluation processes etc.

I had a question about what support you envision for those members who are going to be on standards development committees. My understanding is that those members who serve on the Accessibility Standards Advisory Council will be remunerated for their work. Is that correct?

**Hon. Mrs. Bountrogianni:** As they are now, but their focus will evolve into a standards development advisory role as well as what they are doing now, advising me on all aspects of accessibility.

**Ms. Martel:** I understand that members of the standards development committee—it doesn't say anywhere in the legislation that they would be remunerated. Is that correct?

**Hon. Mrs. Bountrogianni:** Yes, that's correct.

**Ms. Martel:** I'm going to make a suggestion to you. You're asking people to do an incredible bit of work. If the time frame for the establishment of the standards stays at five years versus three, that's a long period of time for people to be devoted to this work, and I assume that most people will want to be devoted to this work. That's a lot to ask of them. It's especially a lot to ask of members of organizations that represent disabled people. That's an enormous contribution for them to make.

I'd like to know much more clearly, before the committee ends its work, what kinds of supports are going to be put in place, both in terms of remuneration and of any other aids that may be required to especially ensure that members from groups representing disabled persons will be able to fully participate. The legislation is silent on this. Frankly, I think the legislation should outline very clearly what supports will be in place so that they can fully contribute and know that they can contribute in the time frames you are asking them to.

**Hon. Mrs. Bountrogianni:** We will consult with them to see what's appropriate and get back to you on that.

**Ms. Martel:** I especially would make the recommendation around some form of remuneration. Volunteer work

is all well and good, but the work we're asking them to do is very important for the development of this legislation, and I think the ministry ought to be considering paid remuneration as well.

I also asked your staff this morning about some definitions that do not appear in the legislation. You have definitions like "barrier," "disability" and "organization," which are clearly defined. Definitions that are not defined have to do with both accessibility and services, and we had some discussions about why those weren't in place. If I look at "services" particularly, ARCH legal clinic raises the point that right now the Ontario Human Rights Commission, in a document that it has, a guide to the code, has some plain-language terminology with respect to services. I thought that was actually quite broad. It should be broad enough for the purposes of this act. I wonder then, specifically with respect to a definition of services, if the ministry would revisit using the definition of services that the human rights commission uses in its guide.

**Hon. Mrs. Bountrogianni:** We'll take that under advisement. We do need some flexibility in the definition-making—I know that also from my previous profession—but we'll take that under advisement.

**Ms. Martel:** I think if you go this broad, it would probably give you the flexibility you're looking for.

**The Chair:** Thank you for your participation; the time is over. We will have a five-minute break before we start listening to the presentations. Thank you again for coming.

*The committee recessed from 1125 to 1132.*

#### ONTARIO PUBLIC SERVICE EMPLOYEES UNION

**The Chair:** If I can have your attention, please, we have so many people who wish to speak, and we must maintain time. Even if not all the members are here, I suggest that we start the first presentation from the public, the Ontario Public Service Employees Union. Do we have anybody present?

Would you please take a seat; we'll start right away. Please proceed. Thank you for coming, and good morning.

**Mr. Suresh Paul:** Good morning. My name is Suresh Paul, and I am chair of the Ontario Public Service Employees Union, human rights committee. This committee's mandate in part is to increase the awareness and understanding of workplace, community, national and international human rights issues throughout the membership. Accessibility is unquestionably a human rights issue. The provincial human rights committee works very closely with all equity-seeking groups, which include the disability rights caucus, as well as with other committees and departments within OPSEU.

With me today is Carol McGregor, a passionate, long-time human rights activist and co-chair of OPSEU's disability rights caucus. We want to thank the committee for the privilege of presenting today, and it's my pleasure



at this stage to invite Sister McGregor to offer comments on Bill 118. Thank you.

**Ms. Carol McGregor:** Thank you very much. Mr. Chair, I wonder if you'd have your members go around and identify themselves for me, please.

**The Chair:** The rest of the members were aware. They're here; they must be outside. I realize that you want all our attention. Unfortunately, we have a challenge here. We have a schedule which is quite tight and that means we will potentially have some difficulty. Could you proceed in the meantime? I would ask that—

**Mr. Khalil Ramal (London-Fanshawe):** We can say the names.

**Ms. McGregor:** I think you can say your name. I am blind. I don't know who's here. I really would like to know who is around the table as an accommodation.

**The Chair:** Of course. I'm sorry. I thought you were asking for the other members. Surely.

**Mr. Ramal:** My name is Khalil Ramal, MPP for London-Fanshawe.

**Mr. Fonseca:** My name is Peter Fonseca. I'm the MPP for Mississauga East.

**Mr. Craitor:** Good morning. My name is Kim Craitor. I'm the member who represents Niagara Falls, Niagara-on-the-Lake, and Upper Thorold.

**The Chair:** I am Mario Racco. I represent the Thornhill riding and I am the Chair. There are no other members at this time—oh, I'm sorry; There is. Introduce yourself, please.

**Ms. Wynne:** I'm Kathleen Wynne, and I'm the member for Don Valley West.

**Ms. McGregor:** Thank you very much. I want to thank the committee for allowing us the opportunity today to present on Bill 118, the Accessibility for Ontarians with Disabilities Act, 2004. We believe it's going to have a huge impact on Ontarians.

The act, however, as it's now written, we believe is a start, and much needs to be done if disabled Ontarians are really going to achieve full inclusion in Ontario society.

As a woman with a disability, every day I face barriers simply trying to go to work. I travel the GO train and use a car that is supposed to be designated for people with disabilities. Up to about a year ago, I had some comfort in knowing that the conductor at least would look out for my safety. That changed when that conductor, that employee of GO Transit, dared to ask able-bodied passengers to give up their seats so that disabled passengers might be able to ride. He also challenged GO Transit on trying to make things a little easier for us, because we were pushed on to the tracks, the dog and I and other people with canes, with the trains converging. So he did pressure them. This employee was relieved of his duties for pressuring GO Transit to accommodate people with disabilities. Needless to say, no other conductor is asking able-bodied passengers to give up their seats for disabled ones. And this was in a special car designated for disabled passengers. When I inquired of GO about their policy on accommodation for disabled passengers, because I felt there had to be a standardized policy, I was

advised that there is none. Therefore, it is up to the courage of each employee to do what they're willing to do. And what would you do in that situation?

The same applies to the Toronto subway system. In the morning rush hour, there is no conductor who looks out the window to make sure that passengers are off the train or coming on the train. The system is computerized for its doors to open or close. About two weeks ago, my dog was three quarters of the way into the car, and the door shut. I was on the outside, my dog was on the inside, and I was holding on to a leash. I had the option of letting the train go with my dog down a tunnel and me being left at Bloor Street without any cane or anything to find him. Of course I panicked, and I screamed for somebody to help me; fortunately, some passengers helped. That is not the first time. And I'm advised by GO Transit that the doors don't automatically open when a body gets caught in them.

Even though we have legislation that should provide access for blind persons using taxis, in 2005 I still have that problem. I'm told regularly by drivers we call that other drivers don't want to come and pick me up, so that's why it takes so long to come and get me. Or you will have a taxi that will pull right up to you and take one look at the dog and speed away. Because you can't see the car number, obviously they know you can't report them to any taxi commission. Welcome to my world—at least my transportation world.

Today, we want to direct our comments in the brief to the historical background, the purpose of the legislation, the definitions, time frames, regulations, the complaints process, the tribunals, organizational classes and accommodation in the workplace. I assure you, we won't be that long on each item. We're going to defer any commentary on standards to those presenters who have more expertise in that area.

From the historical perspective, since 1991 we have not had a proper census conducted in this country about persons with disabilities, despite the request of disability rights activists. At that time, in 1991, Ontario had a population of 11,192,730, of which the population of people with disabilities was 1,514,000. One can only assume that those figures are outdated, given the growth of our population and, in particular, our aging population. In addition, many injured workers who acquire a permanent disability due to a workplace accident are often not captured in this data. We are only now recognizing some of the permanent occupational diseases that are arising from the new economy, such as repetitive strain disorder, stress disorder, chronic pain.

#### 1140

Following the Decade of the Disabled, which occurred from 1983 through to 1992—this was the United Nations decade, which Canada participated in—with the exception of the continued pressure by the ODA committee, the issues of people with disabilities on government agendas have basically gone off the face of the map. The assumption was, "We gave you the decade; now you should be inclusive"—and everybody went on their way. The fact remains that we didn't.

The lives of people with disabilities have not changed that much in the intervening years. They still live in poverty. They still can't access certain premises. They continue to be denied employment. They face stigmatization regarding any mental health or developmental challenges. And they face myriad problems pertaining to transportation and support.

You as a government now face the challenge of trying to fix those forgotten years through this piece of legislation before us today. With this in mind, OPSEU is disappointed—am I interrupting?

**The Chair:** For your information, three new members have joined us subsequent to your starting. Since you wanted them to introduce themselves, maybe we can do that. Mr. Jackson, could you please start by introducing yourself to the lady?

**Mr. Jackson:** Cam Jackson, MPP for Burlington.

**Mr. Ted Arnott (Waterloo-Wellington):** I'm Ted Arnott, MPP for Waterloo-Wellington.

**Mr. Ernie Parsons (Prince Edward-Hastings):** Ernie Parsons.

**Ms. McGregor:** I got a letter from you.

**The Chair:** Please proceed.

**Ms. McGregor:** I'll go back to the purpose of the act. OPSEU is disappointed that the government has chosen not to recognize or expand on this history of disadvantage when defining the purpose of the legislation. We view Bill 118 as anti-discrimination legislation and we recommend to the committee that this be reflected in the purpose clause. While the legislation may make it easier for the population as a whole, we believe that this legislation should be specifically designed to address discrimination against people with disabilities.

Under the definitions section, we also recommend that the word "discrimination" be defined in that section.

Under the time frames, OPSEU agrees with ARCH and the Ontario Federation of Labour that January 2025 is much too long for the full implementation of this legislation. There are specific sections that could be enacted without the need for a long-drawn-out process of developing standards. We hope the government hears the words.

With regard to the regulations, people with disabilities in Ontario need very strong legislation that will endure changes in government. We urge the Liberal government to seize this opportunity. While regulations can be changed without much, if any, consultation, strong legislation will endure the test of time. We therefore support the position of the Ontario Federation of Labour and ARCH's recommendation that labour and people with disabilities play an active part in the development of any regulations. These appointments should be filled by people who have expertise in disability law and practice, not just political affiliation.

Under the complaints process, there is none for an individual, and OPSEU is concerned about this. We believe that if the government is serious about wanting to remove barriers for people with disabilities, then a process must be put in place that will allow an individual

to file a complaint to an agency that is independent or at arm's length from the government. I did happen to hear your technical person say, "Well, they can go to the human rights commission." That is not a viable option. I have no intention of waiting 20 years.

As the legislation is now defined, there are to be several tribunals ruling on different issues pertaining to standards. In our view, this is unnecessary. The Workplace Safety and Insurance Appeals Tribunal handles complex areas of workers' compensation law, with panel members who are most qualified in this area. Similarly, a single tribunal pertaining to Bill 118 could be established. We have people across the province who are very knowledgeable in this area. They are more than capable of making decisions. We urge the government to reconsider this section of the act.

**The Chair:** Thank you, Madame McGregor. The time is over. I thank you for your presentation. I also want to bring to your attention that another member joined us while you were talking. Maybe you can introduce yourself to the lady, please.

**Ms. Martel:** I'm Shelley Martel. I'm the member for Nickel Belt.

**The Chair:** Thank you for your presentation.

**Ms. McGregor:** Since we were interrupted, we have some recommendations just at the end that I really would like to be able to give you.

**The Chair:** Yes, you can proceed.

**Mr. Ramal:** Can we get a copy?

**The Chair:** Yes. I would ask that you leave a copy for us, but maybe the lady can still quickly make those recommendations, if possible.

**Ms. McGregor:** We heard the concerns I think from Mr. Jackson this morning over the costs to the different ministries to do the audits and whatnot. This is something we've also been looking at. One of our recommendations is that the Ontario government set up an accommodation fund for the broader public sector to assist with the financial cost of any workplace accommodations.

We also recommend: that funds be made available to small private sector groups to encourage the hiring of people with disabilities; and that the Workplace Safety and Insurance Board set up an accommodation fund to assist employers in retaining injured workers.

One of the things regarding the broader public sector and small employees is that we are concerned: We do not receive money. We receive line-by-line budget items. We don't have enough money to be able to do an accessibility audit. This concerns us. I work in a legal clinic and we want to be able, obviously, to make our facilities accessible to everyone.

**The Chair:** Thank you again for your presentation.

#### FAMILIES FOR EARLY AUTISM TREATMENT OF ONTARIO

**The Chair:** The next presentation will be from Families for Early Autism Treatment of Ontario.



**Ms. Norrah Whitney:** I'd just like to say that I will be leaving a copy of the brief with you. We're on a shoe-string budget and unfortunately I could only make one copy. May I begin?

**The Chair:** Yes. Please proceed.

**Ms. Whitney:** Thank you for this opportunity to present today on the proposed Bill 118. My name is Norrah Whitney. I'm executive director of Families for Early Autism Treatment of Ontario, FEAT. FEAT is a non-profit, research-based organization formed in 2002 to lobby and advocate specifically for the most effective science-based treatment for autism. We recognize that effective treatment is Lovaas-based intensive behavioural intervention, or under the Ontario program, the EIBIP. We are affiliated with 24 other chapters worldwide and are most fortunate to have a strong partnership with ASAT, a leading US-based global organization in the dissemination of accurate information regarding research in the field of autism. FEAT of Ontario operates independent of government funding and subsequent influence.

**The Chair:** Ms. Whitney, could you slow down a little? They are translating and it's a little challenging.

By the way, you have 15 minutes. If you leave some time, there will be questions for you. Otherwise, there will not be any.

**Ms. Whitney:** Yes, that's why I'm trying to work—thank you very much.

It is with that uncompromised position that I address this committee today. My focus will primarily be on issues facing children with autism.

Disability, as defined by Bill 118 and other provincial laws, including the Human Rights Code, has broad applications. Someone with cancer, HIV or diabetes could be considered to have a disability, just as somebody who is wheelchair-bound or perhaps someone who has a mental illness.

As many of the members here today are aware, there have been lively House debates regarding autism treatment in Ontario. It is not covered by our provincial health care plan, which, coincidentally, was founded by my grandfather, Sir John Leo Whitney. Treatment is provided in a discriminatory manner only to a small percentage of the autistic population who could benefit from it.

However, before we discuss those issues as they relate to Bill 118, may I take you back to the House floor to reflect upon another bill brought forward by one of your honourable colleagues, Michael Gravelle. The bill to which I refer is private member's Bill 55 regarding insulin pumps for diabetics and a motion to amend the provincial health care schedule to include these as a covered benefit.

**1150**

I am vigilantly aware that this committee is made up of members from all political parties, with a majority of you being Liberals. While I understand this bill must still pass third reading and come before this very committee, I would like to remind you of what happens when poli-

ticians elected to serve the people are free to vote their conscience and not their party.

The Liberals support Cadillac diabetes treatment for the following reasons: It would lower the cost in the long run to the health care system; people could work and have their lives restored. One member summarized a two-tier health care situation where you may have two children in one school, one whose family has the means to provide privately for the cost of the pump and the other without. He said, "We must level the playing field and provide the opportunity for everyone in Ontario to have the greatest quality of life." Another member said, "The cruel diabetic statistics could change with the introduction of insulin pumps," and it was said, "If left untreated or improperly managed, it could result in dramatic complications." Mr. Craitor, you said, "This is a therapy of necessity for me, not choice." And the Progressive Conservative member, Mr. John O'Toole, echoed that by saying, "I encourage the Minister of Health and all members to support this bill ... because it affects the quality of life for the most vulnerable. This is not something someone induces on themselves; it is a condition they are born with."

Now I ask you to remove the word "diabetes" and replace it with "autism." All the logic you and your colleagues have displayed supporting Bill 55 stands for the same reasons when we replace the first disability with the second, yet this non-partisan, commonsense camaraderie has somehow been dismissed or ignored for the most doubly vulnerable group of citizens I represent today—doubly vulnerable by the fact that they are children, and by the very nature of their disability. Instead, the majority of children diagnosed with autism in Ontario will never see a day of treatment, let alone a Cadillac version sensibly supported for a different disability. Instead, they face a life of institutionalization, filling hospital wards as teenagers and adults, being chemically restrained, with a staggering price tag to the taxpayer. Some 90% of children with autism who do not receive treatment will end up in institutions—a cruel statistic indeed. However, with treatment, almost half will be indistinguishable from their peers and they will make critical gains toward a greater independent functioning and quality of life.

Providing autism treatment is not only cost-effective, it is life-altering in the most profound manner for the child. Even as we speak today, courtrooms and tribunals are being filled with these fragile citizens as a last resort to protect their quality of life; a life they did not choose but rather were born with. This is a loud, resounding signal that even when laws are in place to protect the most vulnerable in society, there is no guarantee that the right thing will suddenly or magically happen, as has been the case with autism.

Now that we have determined by comparison that funding autism treatment is as logical and ethical as insulin pumps, let us consider the two major problems of access facing children with autism today. We've already touched on the fact that many children in Ontario are prohibited from treatment by discriminatory policy

guidelines; and poor program design and maintaining the status quo in the autism government contract have made the autism program unnecessarily the most inefficient of all health care programs. This was clearly outlined in a recent Provincial Auditor's report which was presented to the standing committee on public accounts.

**The Chair:** Ms. Whitney, I'll give you a couple more minutes as long as you slow down, please. Thank you.

**Ms. Whitney:** Sorry. On December 23, 2003, FEAT of Ontario presented to the ministry viable structural solutions, working within the current policy guidelines, and a model based on universal treatment. We demonstrated that by just changing the program to a fully individualized funding model, for the children under six it would be 100% more cost-efficient. We showed how, if we engaged Adam Smith's invisible hand, we could service more children for the same dollars while bringing the costs down and the quality of treatment up. More importantly, we showed the government that there was money already being wasted in other budgets for the 16- to 18-year-old cohort and that providing treatment to them would not cost this government any new money. Regrettably for the future of so many children, those simple, viable solutions have been ignored, with glaring and devastating consequences.

A second key barrier is that those same children cannot access education because they are denied IBI treatment at the door. There are no other disabilities that have this barrier to treatment, which is mandatory in order for them to access classroom and curriculum.

Learning the three Rs is a fundamental right, guaranteed by law, a public good in the province of Ontario, except of course if you have autism. While school boards and government point fingers back and forth in court at one another, playing the blame game, one thing is for certain: There is no accommodation to this public service that will allow autistic children to access education in Ontario. The proposed accommodation and the newly announced school support program are not based on peer review research or even best practice.

Subsequently, the ministry has been unable to provide any research to date to support the claim that this will solve the treatment and access issue for children with autism over the age of six. It is merely a voluntary, inefficacious band-aid that has no legislation to govern or enforce it as it remains outside the guarantees of the Education Act.

By the way, that is not just FEAT's opinion but rather the opinion of judges who continue to hear and grant injunctions and the human rights tribunals that have recently denied crown motions to dismiss these cases, holding that the Ministry of Education and the minister are proper party on a prima facie evidence of barrier to education.

Further, there are currently dozens of cases against the school boards in investigation at the human rights commission regarding these very barriers to education today. Without a federal equivalent to the United States' Individuals with Disabilities Education Act, Bill 118

hasn't the teeth necessary to enforce any protection of disability rights to remove these barriers for children with autism.

On February 15, 2005, I will recommend to the standing senate committee on social affairs, science and technology, in public consultation on mental health, that a federal mental health parity law be established along with a federal education protection law for those with disabilities. It is only then that I believe protection will be offered to ensure equality under the law for these vulnerable citizens.

What do you do when those who break the laws in place to protect you are the very people who enacted them? That question is paramount to these children. It is a conflict of interest in this situation to have a minister who allegedly infringes the rights of the disabled to govern the act proposed to halt this very discrimination. While I believe that good people can sometimes make poor decisions, what is deeply and particularly concerning in this circumstance is that this minister is not a lay person but rather a psychologist who is a licensed professional and, as such, bound by a rigorous code of ethics.

How, Mr. Craitor, would you feel if the minister said to you, "I know you need five c.c. of insulin—that is what you had before you were six—but now I will offer you 2 c.c. We know there is no research to support doing this, and by the way, your diabetes will now be managed by teachers"? I don't think anyone in this room would believe you if you were to say you would be pleased with that type of proposal. Yet, that is exactly what this minister is condoning for children with autism, a proposal that is so oppositional to the ethical intent of her profession.

On that record today, it is not possible to believe that justice could or would be served by the measures or governances contained within Bill 118. While the bill holds that it binds the crown, so too does the existing Human Rights Code, and it is the position of the commission that the crown has violated the human rights of innocent children merely because they are autistic. The crown will stand in defiance the moment this bill is enacted as they stand now before the human rights tribunal.

This isn't just an opportunity today to explain why Bill 118 will do nothing for children with autism, but rather an opportunity for you to return to your parties and to the House floor with a new understanding that the very reasons you support Bill 55 are the same as why you should support universal autism treatment without barrier.

While perhaps one of the reasons I am before you today may be because Mr. McGuinty made a mistake by changing his election promise to fund universal autism treatment, he made no mistake when he said, "How we care for children is not only a reflection of our shared values, it is critical to the future social and economic success of our province.... Investments in children ... pay off with better learners, healthier children ... more secure



families and a more productive economy.... The time has come for us to invest in the services children need to become happy, healthy, productive adults.”

Sadly, however, neither Bill 118 nor the Premier’s inspiring words will give this child a future in this province, a future that clearly the voters of Ontario and across this country have said they should have. In a recent Ipsos-Reid poll, 91% of Ontarians, despite the Supreme Court ruling saying that the government was not legally bound under the Canada Health Act to provide universal treatment, 91% of your voters, said the government should cover it under health care.

When government engages in attitudinal discrimination and illogical litigation, then perhaps the only chance these beautiful children have for the same healthy and happy future as those with diabetes is the next time we go to the polls. Truly, if we are merely enacting laws only to have them be violated the moment they come into effect, then are they really worth the paper they are written on?

I implore you not only out of your legislative duty to the public purse, but to the future of these children who have committed no crime but their apparent selection of disability, to find your conscience today and ask yourself, “Do I really want to further discrimination against innocent children who need and deserve my help?” Thank you.

**The Chair:** Thank you very much. The time has expired.

**Ms. Whitney:** Sorry for speaking so fast.

**The Chair:** That’s understandable. That’s fine. Thank you.

We will be coming back for 1 o’clock.

*The committee recessed from 1204 to 1302.*

#### MULTIPLE SCLEROSIS SOCIETY OF CANADA, ONTARIO DIVISION

**The Chair:** Can we have some order, please?

*Interjection.*

**The Chair:** Yes, we’ll wait until the cameras are ready. In the meantime, if the people from the Multiple Sclerosis Society of Canada are present, please take a seat.

There will be 15 minutes for your presentation. Of course you know you can speak for 15 minutes or allow some time for questions. I suggest that when you speak, keep in mind that someone else is translating and you have to make sure they have enough time to do that. With those two things in mind, thank you and please proceed.

*Interjection.*

**The Chair:** As a reminder, there is support staff here. Maybe you can stand so they know who you are. There are a few people in the back if you need any support or assistance.

**Mrs. Kris McDonald:** Good afternoon. I am Kris McDonald, co-chair of the Ontario social action committee of the Multiple Sclerosis Society of Canada. With

me is Deanna Groetzinger, vice-president, communications, of the MS Society of Canada.

We are here to offer the perspective of people with MS on Bill 118. I have had MS for 20 years. Though without the clarity of a firm diagnosis, my symptoms occurred 30 years ago. The MS Society of Canada, Ontario division, supports Bill 118 and is pleased to participate in these hearings. Members of the MS Society pushed for the adoption of the 2001 Ontarians with Disabilities Act. We recognized at the time that it was less than what we wanted but understood that it was a starting point and a valuable precedent in protecting the interests and advancing the concerns of people with disabilities, including those with MS.

We are pleased to acknowledge the leadership of the McGuinty government, the minister, Dr. Bountrogianni, and her staff and officials in moving forward with this legislation. We also want to note the important contributions of ministers and MPPs from the former Conservative government and from the then Liberal opposition caucus, the NDP caucus and the work of literally thousands of activists, including the ODA committee led by David Lepofsky, in getting us to this point.

I would like to digress from our prepared remarks to share some of my experiences of the challenges that confront those of us who view our world from a different angle.

Picture this: I arrive 20 minutes late for a job interview because of a decorative step at the entrance of a downtown office building. There is no clear signage as to the location of the entrance ramp for those of us who are differently abled.

Picture this: A friend and I are trying to enter a now out-of-business restaurant where the only handicapped entrance is in the back alley, through the kitchen, where the hall is decorated with several odiferous bags of garbage.

Picture this: a cold winter day, when a neighbour, who is a paraplegic in a motorized wheelchair, attempts to board one of the accessible buses being tested by the TTC. The driver refuses her entrance because the buses were only being tested, while a busload of “normal” passengers silently watches.

Picture this: I am trying to do some last-minute Christmas shopping in a crowded mall, weaving between rushed shoppers whose elbows and purses keep missing my head by inches. However, I could speak to the potential for a career as a pickpocket to supplement my disability pension.

Picture this: a crowded cafeteria at a major telecommunications company, as I balance my lunch tray on the basket of my scooter, with a plate of goulash, a container of yogurt and a can of Diet Coke. When my lunch finally topples, the Diet Coke explodes, dousing several bystanders, who had not offered any assistance. Revenge is best served cold—ice cold.

But I digress—back to our prepared presentation.

For us, the reason for the legislation is to enable people with disabilities to obtain their rightful place within

the full range of opportunities available in Ontario. If effective, it will contribute to their ability to achieve full economic, political and social citizenship. That goal needs to be at the forefront of evaluating the effectiveness of the draft legislation and considering ways to improve it. Given the many barriers and obstacles that exist to full and equal participation in the life of the province by people with disabilities, this is a challenging task.

This brief does not summarize Bill 118, nor does it provide a legal analysis. This committee will hear a lot of legal arguments about the meaning of specific clauses and provisions. Such analysis is important. However, our members wish to emphasize a different perspective. What is important are challenges that will improve their lives by enabling their full participation as citizens. We are focused on outcomes.

It is important to keep in mind that we are in the beginning of a complex, multi-year process of developing and implementing accessibility standards. Many difficulties lie ahead, some predictable, others not. We urge the members of this committee to adopt this perspective as a way of evaluating the many arguments that you will hear. If the measures and wording that are proposed advance equality by improving accessibility, good, you're on the right track.

Our brief is focused on what people with MS want from this legislation and expect the government of Ontario to do. From our perspective, the following are the key deliverables:

(1) Accessibility standards that facilitate the activities of daily living, including access to public transit, stores, restaurants, doctors' offices, hospitals and other health facilities, schools and shopping centres. This is not an exhaustive list. What we want to convey is the importance of developing and implementing, as quickly as possible, standards that will allow people with MS to participate fully in their communities. The key outcome is standards that will eliminate barriers to accessibility to the places that Ontarians depend upon every day.

(2) Benchmarks and timelines that result in steady progress toward identifying barriers, then implementing actions to remove them, based not on legal differentiation of sectors according to public and private, status or size of facility or establishment but a pragmatic approach that identifies those most important to people based on the requirements of daily living.

(3) A tracking process that provides publicly accessible monitoring of, first, the process of developing standards; second, the public input into the development of standards; and later, third, monitoring of the implementation of those standards. In our view, this is a critical requirement to maintain accountability and public confidence as we move forward.

(4) An enforcement process that ensures that those required to remove barriers actually do.

(5) A simple user-friendly complaints process that enables a member of the public to raise concerns about the implementation or enforcement of the act and for public participation in the adjudication of complaints.

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Copies of our brief have been delivered to the committee members. There are additional specific recommendations in that brief that you can refer to later. I also have copies of my digression for you. Now we'll answer any questions that you have.

**The Chair:** Thank you. There are three minutes, one minute each, starting with the NDP, and then we'll go to the Liberals and the PCs.

**Ms. Martel:** Thank you both for being here today to make your presentation. Let me focus on your point number 5, a simple user-friendly complaints process. Earlier in the day, I raised a concern that had been raised with me about the fact that there doesn't seem to be a complaints process. So as an individual, if you are concerned that a standard is not being implemented, there's nowhere for you to go. One of the responses we got from ministry staff was that perhaps you could take that up either with the Ontario Human Rights Commission or with the organization that might not be implementing the standard you want implemented, or you could take it up with the inspection officer. I've got some concerns about all three of those possibilities. Do you have a view? Should there be a separate, independent complaints process, or how do you see that working so you can have some input?

**Mrs. McDonald:** Actually, we would like to see that a complaints process is part of this legislation so it actually can move toward that, because a complaints process through the human rights commission or even through the organization you're dealing with is one poor individual crying in the wilderness, whether from a wheelchair or using sign language or with limited abilities of some sort. We would really like to see in this legislation a complaints process. So for the five points that I brought out in the talk, we would like to see amendments to Bill 118 to this effect.

**Mr. Ramal:** Thank you for your presentation and for your smooth talk and your ability to express the needs of the people who suffer from MS. I have a friend whose wife has this problem.

To go back to Ms. Martel's point about the mechanism or the standard when you have a complaint, where you have to send it to, at present all these complaints are covered by the human rights commission and you can submit your complaint. But as we mentioned this morning, so many applications are being submitted to the human rights commission. Also, the same question was asked this morning of the assistant deputy minister, I think by Ms. Martel, and I think the minister is open for any discussion. If there is any need to have some kind of mechanism or a committee to look after these complaints, I think it's open for that. At the present time, it has not been set yet.

**Mrs. McDonald:** Certainly, using the human rights commission guarantees a delay of a minimum of two years. If I have a complaint about an organization that has not removed an obstacle, the only thing I can do is complain to the human rights commission, and I am



doing that as an individual, not necessarily as the MS Society. That is such a long, difficult and involved process that it really isn't tailor-made for correcting problems that are obstacles to the day-to-day living of Ontarians.

**Mr. Jackson:** Welcome. Regarding your first recommendation about accessibility standards that facilitate the activities of daily living, for many persons with MS, that is an extraordinary dependency upon Ontarians, with disability income support and with housing and services provided by the government. In the original Bill 125, each ministry—therefore the Ministry of Community and Social Services—is required to become fully accessible, and that includes their funding programs and their supports. Under this new legislation, they've been eliminated. So unless we get a standards committee dealing with income support and/or housing access or program independence, all those things that you've been asking for—do you not believe that should be part of the bill, in that it puts a public onus on government-run programs to be accountable and to go through the same process of setting their standards of service delivery?

**Mrs. McDonald:** Not all people with multiple sclerosis are covered by ODSP. I am the consultant for the MS Society for insurance coverage, so I deal with people who approach the MS Society and say, "I'm having problems with my long-term disability company." They say, "Call Kris." I work through them, empowering them to approach the insurance company properly and get the right documentation; I explain the process. In my former incarnation, before I was totally disabled due to MS, I worked in the life and disability insurance field, so that's my expertise.

Any of these government offices should have become accessible a long time ago. If they have not, shame on them.

**The Chair:** Thank you for coming.

#### DON WEITZ

**The Chair:** The next group will be People Against Coercive Treatment. Are they in the room? Is Don Weitz present?

While you are coming here, sir, let me remind all of you that if anyone needs some assistance, a gentleman and a lady from the March of Dimes are here—at the back, on my right—and will be available to assist you.

The gentleman will have 15 minutes to speak. If there is any time left in the 15 minutes, there will be questions from all three parties.

**Mr. Don Weitz:** How long did you say?

**The Chair:** You'll have 15 minutes. Thank you for coming.

**Mr. Weitz:** Chair, I have a copy of my recommendations, but I only made one set. I was told that one of the clerks would make a copy for all of you, so I have that here for whoever wants it.

**The Chair:** Yes, we will take care of that. At the end of your presentation, you can give us a copy, sir, or even now.

**Mr. Weitz:** Thank you. My name is Don Weitz. I'm a very proud psychiatric survivor and I've been an anti-psychiatry and anti-poverty activist for about 25 years now.

I noticed that a number of issues, at least two main ones, were not covered in this bill, which disturbs me a little bit. I'm going to focus on those two issues. Accessibility to affordable housing is clearly an accessibility issue, and of course it's proclaimed as a universal human right in the United Nations Universal Declaration of Human Rights, as well as the convention on social and political rights of the United Nations, which we now know has been seriously violated for many, many years in Ontario by this government, the city government and the federal government.

I have something to say about the concept of disability as it relates to psychiatric survivors. One is that we are very often disabled by so-called safe and effective treatment. There has been overwhelming documentation for many, many years that such so-called safe and effective treatments as medication and psychiatric drugs, particularly antidepressants and neuroleptics, as well as tranquilizers, have caused a virtual epidemic of disability throughout the world, certainly in Canada. I'm talking about brain damage, including permanent memory loss. These are direct effects, not side effects, of so-called safe and effective drugs. As you have probably heard, there is currently an uproar over the use of antidepressants, since it has now been definitely established that they trigger suicidal ideas and urges and have resulted in many, many suicides.

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The concept of disability is something that many of us can certainly relate to. I call myself a psychiatric survivor because I was disabled by insulin shock for quite a while. I was traumatized for many months. That was in the 1950s. Nowadays, so-called safe and effective electroshock has replaced insulin shock and others in Ontario and is causing a virtual epidemic of brain damage, including permanent memory loss, particularly to elderly women, as documented by the Ministry of Health in its statistics, which I happen to have. I didn't bring those here.

Access to accommodation: I refer to the national shame of homelessness, in particular lack of accessibility for people with disabilities, including psychiatric survivors. As you know, Premier McGuinty made a public commitment during his campaign for election to build 20,000 units. He has betrayed people with disabilities in Ontario, including psychiatric survivors, by failing to guarantee that these units will be built. From what I hear from the city, fewer than 500 units of affordable, accessible housing have been built in the last two or three years. You can check with Mayor Miller on that if you don't believe me. It's certainly a pittance and an insult, and it seriously deprives people who are homeless, who have a psychiatric history, of accessibility. This is unconscionable in a so-called democratic and socially conscious nation. I think Mr. McGuinty and all of you

committee members should start to take that seriously and pressure for the implementation of Premier McGuinty's promise to the people of Ontario. I've met quite a few on the street who could certainly use affordable housing, but because it's not being built they can't access it.

My recommendation number 1, of course, is to affirm in this bill access to affordable and supportive housing for people with disabilities and homeless people as a priority and fundamental human right. This action should include shared provincial, city and federal government funding in building 3,000 affordable, subsidized housing units each year for the next 10 years, and 1,000 of those per year should be earmarked for supportive housing, particularly for homeless psychiatric survivors.

Recommendation 2: Establish an affordable housing working committee, which would consist of provincial, city and federal officials, advocates for psychiatric survivors, people with disabilities and homeless activists. Its main purpose should be to develop and implement a crash program on affordable and supportive housing in close consultation with community non-profit organizations, including the Ontario Coalition Against Poverty and the Toronto Disaster Relief Committee.

I have another major recommendation on something that bothers me a lot; that is, accessibility to valid and reliable medical information for people with disabilities. That is systematically—I repeat, systematically—denied in our health care system, particularly for psychiatric survivors. I have personal knowledge of the serious violations of the ethical and legal principle of informed consent in many, many medical and psychiatric facilities, so that people very often do not know what they're being treated for and certainly do not know the serious risks, including brain damage, from so-called safe drugs. There is a serious lack of valid information. I have personally been aware that physicians do not inform people that they have an absolute right to refuse any—repeat, any—psychiatric procedure, although it says so in the Health Care Consent Act.

I'll just tick off in the Ontario act, called the Health Care Consent Act, which is about 10 years old, the elements of informed consent:

- "1. The consent must relate to the treatment.
- "2. The consent must be informed.
- "3. The consent must be given voluntarily"—that is, without any pressure, duress or threat.
- "4. The consent must not be obtained through misrepresentation or fraud."

Furthermore, the act states that the informed consent must describe:

- "1. The nature of the treatment"—these are duties and responsibilities on the part of the health practitioner, the doctor.
- "2. The expected benefits of the treatment.
- "3. The material risks of the treatment.
- "4. The material side effects of the treatment.
- "5. Alternative courses of action"—which are virtually never mentioned, like housing and non-medical alternatives.

"6. The likely consequences of not having the treatment."

This is all in the Health Care Consent Act, and it is being constantly violated. I think that's an outrage, and I think you should be concerned, because when that happens, people are being denied the right to accessible information about their treatment.

Recommendation 3: Establish a treatment information committee for people with disabilities, including psychiatric survivors. Its main purpose should be to develop and distribute easy-to-read, easy-to-understand basic information on psychiatric drugs, other drugs and electroshock, including their major risks, in large print, tape and Braille, and obviously, of course, in both English and French. If implemented, this will make medical psychiatric information more accessible.

Recommendation 4: I propose that this government help to organize public hearings, which it hasn't so far, on community treatment orders, arguably the most controversial psychiatric law for many years in Ontario, which targets psychiatric survivors for forced psychiatric treatment in the community and longer periods of incarceration or involuntary committal, which undermine voluntary and human alternatives.

Recommendation 5—as you can see, I'm very concerned about the lack of rights, as mentioned in this bill and others—establish an Ontario rights protection and advocacy committee to investigate and publicize rights abuses and patient complaints. Someone mentioned patient complaints, that there was no mechanism or section in the bill for people to lodge formal complaints. I think, in that case, there should certainly be a body that will look into complaints and encourage people to come forward. It's not easy when you are being treated, sometimes against your will or with a lack of information, to muster the courage to lodge a complaint. It can be quite terrifying. But there has to be that kind of guarantee and support. This committee that I'm proposing, called ORPAC, should consist of people with disabilities, including psychiatric survivor advocates, patient advocates, human rights advocates and lawyers.

**The Chair:** You've got less than a minute to go, sir.

**Mr. Weitz:** One minute is all I need. The last, and perhaps one of the most important recommendations, is to guarantee a livable income under ODSP. People are being given 900 bucks a month to cover everything, including rent. The average rent for a bachelor, as you've probably heard, is roughly \$600 to \$700. I may be off, but I think I'm in the ballpark there. I do think you should recommend at the very least a 37% increase in ODSP rates, above and beyond the 3% that was insultingly proposed by your government. I mean, 3%—ODSP rates haven't been raised in about eight or nine years, and now you're going to raise them 3%? That doesn't even cover the cumulative cost of living over that time. So yes, a major increase in ODSP so people can live, not just survive.

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I'm open to questions. Thank you for the opportunity. I hope you take my recommendations seriously. By the



way, I'm also a member of the Ontario Coalition Against Poverty as well as the Coalition Against Psychiatric Assault, and I'm also a proud member of Psychiatric Survivor Archives, Toronto, which is preserving the history of psychiatric survivors in Canada. I just wanted you to know that.

**The Chair:** I thank you for coming and giving us your presentation. We all have the page that you provided to us. Thank you again. Have a nice day.

**Mr. Weitz:** There's no time for questions or comments?

**The Chair:** No, there is no time, sir. Thank you.

**Mr. Weitz:** Thank you.

#### ARTHRITIS SOCIETY, ONTARIO DIVISION

**The Chair:** The next presentation is from the Arthritis Society. Are they present?

Ladies, you also have 15 minutes for your presentation. If there is time left, we will allow people to ask you questions. You can proceed any time you're ready.

**Ms. Jo-Anne Sobie:** Thank you and good afternoon. My name is Jo-Anne Sobie and I'm executive director for the Arthritis Society, Ontario Division. I'll be sharing my time today with Ms. June Henderson, who's here beside me.

Each member should have received a copy of our submission. I believe they are being passed out right now. In it, you will find our six recommendations to the committee on Bill 118, as well as background on our organization and statistical data, which I'm sure you will find paints a very descriptive picture of how arthritis affects Ontarians and contributes to the levels of disability in our province. I would like to thank the committee for the opportunity to speak to Bill 118 and hope that I will be able to provide some insight into how the prevalence of arthritis in Ontario directly relates to the rate of disability.

First, I would like to commend the minister and her government for bringing forward such a progressive piece of legislation. Although it isn't perfect, its significance and potential are evident to individuals with disabilities as well as to their support agencies, such as the Arthritis Society. I would also like to commend all three parties for supporting in principle Bill 118.

The Arthritis Society is the leading not-for-profit organization dedicated to providing and promoting arthritis education, community support and research-based solutions to the 1.6 million Ontarians living with arthritis. Since its inception in 1948, the Arthritis Society has contributed millions of dollars to arthritis research to develop better treatments and understand the underlying causes. Arthritis is the second most prevalent chronic condition in Ontario, followed by non-food allergies, and results in more pain and disability than any other chronic disease.

As a degenerative disease, one in four people with arthritis report year-over-year decreases in their health.

The consequence of this progressive disabling condition is the forced reduction of participation in the labour force. With more than 50% of people with arthritis reporting long-term disability and with one in three people of working age with arthritis reporting being without a job, the economic effect of arthritis is staggering, at an estimated \$4.4 billion a year in Canada.

We are here today to share with the committee six recommendations we feel are necessary to deliver Bill 118 from being a good bill to being what disabled Ontarians need and deserve:

First, we recommend that Bill 118 must ensure that real and substantial progress is made during the earliest years of the bill's implementation. Based on the significant magnitude of what this legislation is proposing and the immense need for it to succeed, it is important to recognize that substantive change will not come quickly. It is critical, however, that special emphasis be placed on providing the disabled community with quick and effective change where possible in the early years of this bill's implementation.

Second, we recommend that Bill 118 must ensure that the process of developing accessibility standards is transparent, public and accountable. We all understand the immense pressures on government and that there are many competing interests. Due to the significant power provided to the Minister of Citizenship and Immigration and the Ontario cabinet in this legislation, it is vital that discretion be appropriately structured and constrained. By providing a transparent, public and accountable process to this bill's implementation, it will be possible to hold the government, cabinet and minister accountable for their actions.

Third, we recommend that Bill 118 must ensure that the accessibility standards committee is free from partisan appointments and insulated from partisan politics. In an attempt to promote the best intentions of this legislation and ensure that disabled Ontarians have access to the best expert advice on barrier removal, it is necessary that the appointment of the accessibility standards committee be free from partisan politics. The committee must be made up of individuals committed to eliminating barriers for the disabled, not advancing a government or political agenda. To ensure the integrity of this legislation, the standards development process must be kept free of political interference, acting at arm's length from the government. The standards committee must be free to make recommendations based on their expert advice if this legislation is to achieve its intended purpose of a barrier-free Ontario.

Fourth, we recommend that Bill 118 must provide the necessary financial means to ensure access for Ontarians with disabilities to the policy development process. If this legislation is to achieve its stated objective of a majority participation level of individuals with disabilities on its committees and councils, it will be necessary that financial support be made available that would enable them to participate. Individuals with a disability face greater than average levels of unemployment and higher living costs associated with managing their disability. The additional

expenses associated with participation in this process would prove to be a barrier and therefore prevent access to the process of this legislation. Furthermore, the disability sector is, for the most part, made up of community organizations that operate as not-for-profit charities. This sector has limited and often stretched budgets, but also holds the expert capabilities to make the necessary contributions to the accessibility standards committee. To ensure that these community organizations are able to contribute, it is critical that they have access to the necessary resources that will enable them to provide their sector expertise.

Fifth, we recommend that Bill 118 must provide the necessary resources to develop and deliver a comprehensive, province-wide public education and awareness campaign addressing the barriers facing persons with disabilities. A focused public education campaign highlighting the barriers and the individuals who face them will help to advance support and build enthusiasm toward the implementation of this legislation.

Finally, and most important in our opinion, the sixth recommendation is that Bill 118 must include in its definition of "disability" the intermittent nature of arthritis, as its onset often affects an individual's physical ability gradually. To address the current gap in the definition of disability in Ontario, it is necessary to amend the definition to address the intermittent effects of arthritis. As arthritis progresses, it often begins to limit an individual's abilities gradually, not significantly enough to prevent employment but certainly diminishing capacity to address work in a conventional way. The effect of an emerging disability often limits an employee's ability to perform in a consistent manner and has consequences on an individual's ability to do their job as they normally would. Recognizing the intermittent nature of an onsetting disability will help prolong employment opportunities, which often are terminated prematurely when staff are no longer able to meet all of the physical requirements of the job.

I would now like to turn to Ms. June Henderson. June is a volunteer and arthritis consumer whom I've had the distinct privilege of working with over the past year. June will speak first-hand to the challenges she faces as a disabled Ontarian.

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**Ms. June Henderson:** Thank you, Jo-Anne. Good afternoon. My name is June Henderson, and I am disabled. I remember a time when I was completely independent, a time when my abilities determined my life, not my disability. I had a full-time job, which I loved very much, and travelled every opportunity I got. I realize now I took for granted that I would always be able to do these things that I enjoyed. Over the past 25 years, I have struggled with the onset of my disability. It was about eight years ago, however, that I realized that my body would no longer permit me to continue working.

I have arthritis, a disease that has changed my life. The deterioration of my abilities has left me dependent—dependent on the kindness of strangers, dependent on my friends, but most importantly, dependent on the outside

world to determine where I go and what I can do. I feel a sense of embarrassment and frustration when I rely on others to open a door, help me shop for groceries or even cut my food at a restaurant.

I struggle every day to keep my independence, and as I get older, that fight is becoming harder and harder to keep. My daily life is a series of calculations, preparation and good luck. When I wake up in the morning, I find that there are some days when I can't dress myself. The pain, the stiffness, the inflammation caused by arthritis make it so I can't do the simplest task of putting my socks on.

If I am able to go out, navigating the streets, the transit system and the daily tasks are all based on what I can do, what is available to me and how much my body will take that day. I only go where I can ably navigate the entranceways, the facilities and the overall environment. Most successful buildings often only provide one elevator, which means additional walking and lengthy extensions to my day, extensions that tire me out and severely limit what I want to accomplish.

You see, having a physical disability isn't only about being able to open a door or reach the top shelf in a grocery store. It's not solved by building a ramp or providing an elevator, although these are critical needs in the community. It's about education and awareness. It's about making people understand that people like me are out there. It's about helping them to appreciate the challenges we face every day so that they can see us waiting for a door. They know that by helping us to hold the door open, we have seconds to get on the escalator or in the elevator; or when they see our limitations, how they do their job, how they work, instead of losing their job.

I go as I can when I'm disabled. Bill 118, I believe, can change that. I want to commend the government and the minister for bringing forward this legislation. I want to thank the committee for listening so attentively to the recommendations not only of the Arthritis Society but of all the disability advocates who have presented. I ask only this: Please know that we are depending on you to work with us to tear down the barriers that our society has spent generations putting up. It is critical that this government and all subsequent governments look to the disabled community for guidance and direction. We can show you the barriers that you had no idea existed.

To conclude, Bill 118 is a good piece of legislation. I support the six recommendations the Arthritis Society has made today and look forward to being able to take advantage of these changes that I know are coming, changes I thought I would never see in my lifetime. Thank you.

**The Chair:** Thank you to both of you for the presentation. Have a nice day. The time has expired.

#### REGIONAL MUNICIPALITY OF YORK

**The Chair:** The next presentation is from the regional municipality of York, community services and housing. Are you present?



Please have a seat. You will have 15 minutes to make your presentation, and if you have any time left we will allow questions to be asked of you. You can proceed any time.

**Ms. Joann Simmons:** Good afternoon. I'm Joann Simmons, the commissioner of community services and housing with the regional municipality of York. My department has the responsibility and, might I say, the privilege of leading the implementation of the ODA for the current regional government.

York region is very pleased to have this opportunity to present our comments and suggestions on the proposed Accessibility for Ontarians with Disabilities Act to the standing committee on social policy. York region knows that there are tremendous benefits to be gained for our communities when people with disabilities can participate fully in all that our municipalities and the province have to offer. Bill 118 paves the way for tangible change to improve access for people with different types of disabilities. We support these efforts.

Given the potential impact of the new legislation on municipalities, the generality of its application and the reliance on regulatory authority to set mandatory accessibility standards, York region has prepared the following suggested amendments for this committee's consideration. We have focused our recommendations on those areas that will enable municipalities to implement the AODA more effectively without altering the intent of the legislation. In moving forward, it's important for the government to recognize that municipalities are unique organizations. In fact, they are another level of government that reflects the size and scope of the communities they serve. Their responsibilities are broad, and the services they provide are very diverse.

Let me tell you more about the region and the communities we represent. York region is one of six regional governments in Ontario. Our region covers 1,762 square kilometres, has a population of almost one million people, includes over 26,000 businesses and is made up of large urban, small urban and rural areas. York region is a strong supporter of accessibility and the existing Ontarians with Disabilities Act. We have met and in many cases exceeded the current requirements in the ODA to make it possible for our residents to have better access to our services and programs. In fact, in our long-term strategic plan, York region made a commitment that by the year 2026 all residents will live, work, play and learn in healthy, accessible and safe neighbourhoods. This commitment matches the purpose of Bill 118, which is to make Ontario fully accessible and allow all Ontarians to participate fully in the life of our province. York region has received recognition for the equality and the scope of our accessibility plan. The region is also identified in the Ministry of Citizenship and Immigration's Web site as a best practice for the process used to establish our AAC and for the region's accessibility planning process.

I say all this to give you some context and so that it is clear where we stand on the issue of accessibility. As I

said before, our interest is in presenting solutions that will help make it possible for this proposed legislation to succeed in a municipal government environment.

I'd now like to introduce Joy Hulton, York region's head of legal services and our regional solicitor, who will present our recommended amendments to Bill 118.

**Ms. Joy Hulton:** Bill 118 is complex, strong and enforcement-based legislation. It responds to many of the suggestions made since the current ODA was enacted and those made in the consultations this past spring. York region participated in these consultations and is pleased that many of our suggestions are incorporated in the new bill. This submission will briefly outline our five recommendations and the rationale for each suggested amendment. We have provided you with a copy of our submission.

Our first recommendation: The province should establish a specific municipal sector standard development committee to allow for a focused representation of municipal issues and standards. The rationale for this recommendation is as follows: Municipalities need to be recognized not only as stakeholders but also as a relevant level of government in the implementation of this legislation. Bill 118 does not recognize the role that municipalities will no doubt play in the implementation and possibly the enforcement of accessibility standards. We believe that it should be amended so that municipalities have a clearly identified role in the establishment of standards.

Municipalities are the level of government that is most closely tied to its citizens, and they are directly involved with many day-to-day activities, including transit, health and wellness, housing, parks and recreation, libraries etc. Municipalities also license a variety of businesses and services that impact people's daily lives. In most Ontario jurisdictions, upper-tier municipalities such as York region are also responsible for the prosecution of provincial offences, including some of the offences created under Bill 118. Municipalities may be called upon to enforce standards through inspection and licensing and through provincial offences enforcement. We believe, as a matter of best practice, that those who are involved in the enforcement of standards should also be directly involved in the development of the standards to ensure that they are appropriate and enforceable.

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A municipal sector standards development committee will also facilitate a focused discussion of the different issues that are unique to the municipal sector in implementing accessibility standards. A standards development committee that focuses on municipalities and is made up of representatives of different sized communities as well as persons with disabilities, the organizations they represent and appropriate ministries will be in the best position to effectively and efficiently address the issues and ensure implementation is successful.

Our second recommendation: The legislation should include definitions of the terms "accessibility" and "services" to clarify expectations, ensure long-term con-

sistency and guide the development and enforcement of standards.

Part of the difficulty in implementing the ODA is that there is not a consistent definition of what is meant by these two terms. In order to set clear expectations and ensure a consistent approach across Ontario, these terms should be clearly defined. Once the terms are defined, all standards development committees can have a common and consistent starting point to develop accessibility standards, as these definitions would serve as guiding principles. This commonality is also essential for compliance and enforcement activities under Bill 118.

Our third recommendation: The province should provide a resolution process when a person or organization is subject to more than one standard or where one organization is identified as having more than one class.

Given the broad range of programs and services administered by municipalities, it is likely that a municipality will be subject to multiple accessibility standards, particularly if the municipality is classified as belonging to multiple sectors rather than a single municipal sector. Municipalities such as York region could be responsible for implementing multiple standards in areas related to health, transit, housing, employment, construction and purchasing, to name just a few. This may result in municipalities having to implement the requirements of different standards simultaneously on a time frame set by different standards committees. A resolution process would provide flexibility for persons and organizations to meet the requirements of the standards in an effective and efficient manner that takes into account competing priorities and budget constraints.

In resolving conflicting implementation requirements, consideration should be given to the unique characteristics and challenges of municipalities such as their mandates, business scope, fiscal realities and accessibility achievements.

Our fourth recommendation: The province should recognize organizations where work is already underway to enhance accessibility by incorporating flexibility into the initial targets and timelines in the new legislation.

Unlike the private sector, municipalities are currently subject to the ODA and, as a result, have started to meet the objectives of enhanced accessibility. The provincial government must make a distinction in the implementation of the new act to recognize the work that has already been accomplished under the existing ODA. Flexibility is also necessary because of the variations within municipal government. A provincial mandatory, one-size-fits-all legislative or regulatory approach does not work for municipalities, and inflexibility may create even more barriers to real accessibility progress.

Bill 118 will also directly impact on a municipality's ability to meet the new requirements while balancing other priorities and budgets for which municipalities are accountable to their citizens. Therefore, the new legislation must give municipalities sufficient flexibility to attain accessibility targets over time, while addressing other local priorities. The legislation must also reflect the

requirements of budget and business planning within the municipal sector when setting timelines and reporting requirements. We believe that reporting cycles should coincide with the budget and business planning cycles to ensure that costs associated with the implementation of standards can be considered as part of the municipal annual budget.

**Recommendation 5:** The province should establish a mechanism and funding source to support municipalities in the ongoing implementation of Bill 118.

Each accessibility standard may have costs associated with it that municipalities will be responsible for to ensure that the standards are met. Implementation of a standard, or multiple standards, will require additional financial and human resources to ensure that municipalities can implement all the necessary requirements and comply with the timelines outlined in the standards and avoid fines and penalties. In addition, it is intended that the existing ODA requirements for municipalities will be phased out over time. As such, municipalities may be required to implement both the existing ODA and the new AODA simultaneously. We do not have the human or financial infrastructure to do this.

For municipalities to be able to consistently meet their requirements over the long term, the province should support the implementation of the new accessibility act by providing a source of funding that recognizes significant financial pressures on the municipal sector. With the funding mechanism and source in place, municipalities will have stable and earmarked funding to implement the new bill while ensuring other social programs and services are not impacted.

In conclusion, we believe that Bill 118 can make a truly positive difference for persons with disabilities. Our recommendations are constructive to the fine-tuning of Bill 118 and will assist municipalities greatly in their implementation of the bill and in realizing the intended goal of the AODA: to provide equity and truly allow persons with disabilities to participate socially and economically in Ontario.

We urge the standing committee on social policy to include our recommendations in its final report, and we'd be pleased to respond to any questions you may have.

**The Chair:** We have less than one minute each, and we'll start with the Liberal Party. Mr. Craitor.

**Mr. Craitor:** Just a very quick comment, then. First of all, coming off a city council after 13 years and being involved with the regional council of Niagara, I truly appreciate your comments. I was really impressed, because down in our community, especially at the regional level, they've been wrestling with how to deal with transportation throughout the region, and the existing legislation that they've had to deal with has been inadequate. One of the things that was missing—and you touched on it in your recommendations—was that this bill deals with standards which need to be set. That's not just talking about planning but having standards. The other key role is to have the municipalities and the region



as part of the group to help in setting those standards. That was a very positive comment you made in recommendation 1. Looking at the legislation, that's certainly something that wouldn't be prohibited from taking place. I just want to congratulate you on bringing that recommendation forward.

**The Chair:** Mr. Jackson.

**Mr. Jackson:** I appreciate the fact that you've acknowledged that there needs to be a bridging mechanism between the ODA and AODA, in particular because the ODA calls upon the government to set the regulations recommended by the Accessibility Advisory Council of Ontario. That couldn't occur until we heard from municipalities for the first two years through your accessibility plans.

I've stated publicly that York region has been doing an excellent job. You're one of three communities, in my view, that are doing immensely leading-edge work. But, unfortunately, that work is all going to be stopped now in terms of the ODA. So the access advisory committee is no longer going to be making recommendations to the government; therefore, there are no regulations coming forward. There have been none for a year and a half, even though the legislation calls for them. I think it's fair for you to acknowledge that there should be a bridging mechanism, but I think it's clear that the government is going to be abandoning most of the ODA and we're starting all over again. You may want to comment on that.

**The Chair:** Thank you, Mr. Jackson.

**Mr. Jackson:** I want to compliment you on the work you've done.

**The Chair:** I think the compliment will be good enough on this one. Ms. Martel, please.

**Ms. Martel:** Thank you for being here today. If I heard you correctly, you have your own accessibility plan and you felt that the region would be fully accessible by 2026, which would lead me to assume that you have done some costing for your accessibility plan as well. I'm assuming some of that, or most of it, would factor into costs that would be associated with this bill. Can you share with the committee the costs that the region has identified to be fully accessible by 2026?

**Ms. Simmons:** What we quoted from 2026 was in the vision statement of the region of York. That is the long-term goal that we keep in mind and that we're reaching and aiming for. At this point, there has not been a costing out of what all that would be, for a number of reasons. One is that we have just been starting off on this path in the past few years, even though we have committed to and have had that goal in mind for a long time. Secondly, we are now very anxiously waiting for some more detail on guidelines and directives, obviously, to see exactly where we need to go with that accessibility, particularly looking toward definitions of standards, what they are, and definitions of "accessibility." Once we have those, we can start more serious work.

**The Chair:** Thank you for coming, and have a nice afternoon.

1400

## GREATER TORONTO HOTEL ASSOCIATION

**The Chair:** The next presentation is from the Greater Toronto Hotel Association.

Let me remind you that, as I understand it, time is limited and you all have much to say. However, it is critical to this committee that these sessions operate in an equitable and accessible manner. In order to ensure that all people are able to access the information being presented, all speakers are required to speak at a moderate pace, please. It's imperative that we do that. Please proceed.

**Mr. Sohail Saeed:** Chair and members of the committee, thank you for the opportunity to appear before you today. My name is Sohail Saeed, general manager of the Holiday Inn, Toronto-Airport East, and a member of the Greater Toronto Hotel Association board of directors. I'm here today on behalf of Rod Seiling, president of the Greater Toronto Hotel Association—which we call GTHA—who could not be here today, as he is out of the country.

The GTHA's members own and operate approximately 35,000 hotel rooms in the GTA. For over 75 years, the GTHA has been the voice of the industry in the GTA. From the outset, I can assure you that the GTHA and its members have and will continue to provide quality service to persons with disabilities. We do this not just because it is the right thing to do, but also because we believe it is good business. Our members recognize that accessibility, as it relates to tourism, is a prerequisite to a healthy tourism industry.

It has been the stated policy objective of the tourism industry for some time to make Toronto the destination of choice for persons with disabilities. There are over 100 million persons with disabilities in the United States, Europe and Canada, Toronto's prime tourism markets. About 25% of persons with disabilities travel on a regular basis for business and/or leisure. Estimates have pegged the spending power of Canadians with disabilities at over \$25 billion. Americans are estimated to have spending power corresponding to \$175 billion. That \$200 billion is a powerful incentive for our industry and is one in which we have decided we want to be market leaders.

As indicated earlier, the GTHA and its members have been leaders, as it relates to accessibility, for some time. To that end, we partnered with the Ministry of Citizenship over the years to develop programs that have been designed to provide better service and facilities for persons with disabilities.

In 1999, the GTHA launched Guest Services that Work for Everyone, a sensitivity training program that provides hotel employees with a better understanding of the needs of persons with disabilities. Based on a train-the-trainer concept, the program is now incorporated into

the basic training programs of the members. That program was followed up by the Hospitality Checklist program, an innovative on-line program that allows hoteliers to self-assess their respective properties as it relates to accessibility and provides assistance as to improving accessibility.

The program launch was followed up by a commitment from the industry to become Americans with Disabilities Act—ADA—equivalent. This was to be accomplished within an identified three-year time frame that it wanted to work with the government in implementing.

The GTHA also launched our HELP—hotel employment leadership program—for youth. This program was directed toward young people with disabilities and youth receiving social assistance benefits, and graduated these individuals straight into jobs in the hotel industry. The program, which was a partnership between the Ontario Ministry of Social Services, the city of Toronto, the Ontario Tourism Education Corporation, Goodwill Toronto and the Greater Toronto Hotel Association, did meet its objectives, but we had to close it down because of the disastrous impacts of 9/11 and SARS.

With the aforementioned in mind, the GTHA and its members are on record supporting the principles of Bill 118, An Act respecting the development, implementation and enforcement of standards relating to accessibility with respect to goods, services, facilities, employment, accommodation, buildings and all other things specified in the Act for persons with disabilities. To that end, we will continue to work with the government. We as an association have already had discussions on the rollout of the bill once it receives proclamation, and have identified nominees to sit on the sectoral council. It is in the development of the details contained in the regulation that will accompany Bill 118 that we suggest the real work resides.

We have a number of questions and suggestions as this process moves forward. Some of them are as follows:

- Businesses should not be overly burdened with red tape, nor should government create a costly bureaucratic structure. Efficiency and effectiveness should be pre-eminent.

- Accessibility standards must recognize levels of best practice.

- Standards must recognize the difference between new builds and existing structures in some instances.

- The act must identify a means to coordinate with the Ontario building code, including the fire code.

- The process for standard development must be inclusive and not weighted.

- Membership on standard development committees must be representative but must recognize the need to include progressive thinkers.

- Enforcement must be seen to be fair and reasonable and not just perceived as a means for harassment.

- The enforcement process should not be the development means for a new cottage industry, as was the case in the USA.

- Enticements should be considered in the form of assessment reductions or direct payments for those who meet or exceed the standards ahead of time.

- Fines and penalties should be viewed as a means of reinforcement, not as a stick.

- How will compliance with the act ensure that complaints cannot be brought forward under the guise of other legislation?

On an annual basis, Toronto in a normal year will host almost 20 million visitors. About 50% of them stay overnight as guests in hotels. We believe we can increase this number by making Toronto and Ontario the destination of choice for persons with disabilities, and Bill 118 can be a catalyst. It is incumbent on all of us to see it is implemented fairly and with reason of purpose. Thank you.

**The Chair:** Thank you for your presentation. We have about six minutes, so two minutes each. I believe we start with the Conservatives this time, then the NDP and Liberals.

**Mr. Jackson:** Thank you very much. I'm very pleased to have you make a presentation. Earlier today, the minister indicated that you were going to be the first private sector group of businesses to be affected and that you were going to get your own standards development committee. You've indicated in your brief that you are wishing to become ADA-equivalent. I've had several meetings with members of your organization as tourism minister and I know there were some concerns about the difference between the ADA and what your expectations may be here in Ontario. Do you have any comment about any distinct differences?

**Mr. Saeed:** The ADA, the Americans with Disabilities Act, took many years to come into place to the level it is at right now. We believe it is the right direction, eventually, down the road. Going back to the work that was done in the past years, we were looking at access standards in Canada. There were levels one, two, three and four. So a lot of hotels have been working with the Hotel Association of Canada, along with that.

I work for the Holiday Inn. Some Holiday Inns all over the USA have adopted ADA, and they have given us a slightly gentler version of ADA in Canada. As a Holiday Inn, I'm in compliance with that at all times. We also have the Opening Doors program in place.

So to answer your question, yes, we would like to be there. The timeline has to be defined.

1410

**Ms. Martel:** Thank you very much. I have two questions from your page 4. First, you said, "The process for standard development must be inclusive and not weighted." Can you tell me what you mean by that?

**Mr. Saeed:** For the people who are involved in doing the research and making the decisions, there should not in any way be any bias. It has to be equal opportunity for all the people. The people we want, the people who are



disabled, have to be in on the decision-making process and businesses have to be in on the process. I believe what you're doing here today, and hearing it from all the public sector, is the right direction.

**Ms. Martel:** So you mean that the committee should not have a majority representation of persons with disabilities; is that what you mean?

**Mr. Saeed:** It has to be weighted evenly; not a majority. Every sector has to speak for itself.

**Ms. Martel:** So equal representation from every sector.

**Mr. Saeed:** Equal representation; yes.

**Ms. Martel:** OK. My second question was on, "The enforcement process should not be the development means for a new cottage industry, as was the case in the USA."

**Mr. Saeed:** Some of the elements of construction are in there; there are the elements of product—it could be the lifts, the wheelchairs. A lot of industry out there can benefit from this—elevators for the pools. We are saying, please do not go in a direction that it becomes such that somebody is harbouring part of the business and making a majority out of it.

I'll give you one common example: It could be the strobe lights that we already have. In the USA, when those came in, initially the businesses that make strobe lights were involved in the decision-making process. That was not a fair practice; it should be done for the purpose: why we need strobe lights and why we need to help with certain disabilities, not because it is the thing to do, and then somebody will get some benefit out of it and make an industry out of it. That's the only part—

**The Chair:** Thank you, sir. To the government side.

**Ms. Wynne:** I just have a very quick question and I know my colleague has a quick question. In the context of your industry, what are progressive thinkers? You've said that membership on standard development committees must be representative, but progressive. Can you just define that?

**Mr. Saeed:** In my vocabulary, somebody who is progressive is keeping up with the pace of time and the needs. A common example would be wheelchairs, which are now motorized; what are the next steps? We need to make sure that everybody's needs are met. Again, the showers—every day there's a new development.

**Ms. Wynne:** So somebody who's on top of the needs of the disability community.

**Mr. Saeed:** Exactly.

**Ms. Wynne:** Thank you.

**Mr. Parsons:** Under the previous bill tabled by Minister Jackson, there was no involvement of private industry whatsoever. We were told that there couldn't be enforcement, there couldn't be standards and that the high costs weren't surmountable to business. So I appreciate your presentation.

As I read it on your page 3, I just want to summarize that you see the enforcement of standards as a good thing for your industry.

**Mr. Saeed:** Yes; absolutely.

**Mr. Parsons:** Thank you. Back to the board to make revisions.

**Mr. Saeed:** Yes. Enforcement has to be law, but not as a stick.

**The Chair:** Thank you very much for coming here, sir.

## ONTARIO ENGLISH CATHOLIC TEACHERS' ASSOCIATION

**The Chair:** The next presentation is from the Ontario English Catholic Teachers' Association. Are you here?

As you take your seat, I want to remind you to please keep in mind that if you can moderate the pace of your presentation, everybody will be able to appreciate it.

**Ms. Elaine MacNeil:** I'd like to thank the committee for the opportunity to present today. My name is Elaine MacNeil. I'm first vice-president with the Ontario English Catholic Teachers' Association. My colleague, Brenda Carrigan, is department head of our contract services department. It is that department at our provincial office that deals with many of the issues that will be identified or addressed through our presentation. We represent 36,000 men and women who have chosen teaching careers in Catholic schools in Ontario.

We'd first like to compliment the government on the introduction of Bill 118. It's a bill that's long overdue, and goes a great distance toward correcting the deficiencies in the former legislation, so we certainly acknowledge the progress that has been made.

There are several aspects in particular, as we note in section 1.02. I won't speak to those, as you'll have the opportunity to read them. There are a couple of areas of concern, however, that we would like to bring to your attention. The first is the involvement of labour in the whole aspect of creating accessibility plans and, in fact, the standards. We believe there is a place for labour to sit at the table when addressing the issues of accessibility plans and the standards. You might also be aware that under the Human Rights Code, unions have a responsibility as well—in a sense, equal to the employer's—to provide for the accommodation issues that our members face in the workplace, particularly, in our case, when returning from long-term disability or extended leaves of absence due to illness. We take that responsibility strongly, and we also feel that in constructing accessibility plans and creating standards, we have an important part to play as an advocate for the employee.

Likewise, perhaps unlike other presenters you will hear, in addition to serving employees we also have a vested interest in the students in the schools of Ontario. Certainly, accessibility is another issue that governs their work environment on a day-to-day basis. We're looking not only at what the situation is today in our schools but certainly down the road on issues of disability and how we integrate children into our schools, how we make our schools accessible for them in particular.

The second area that concerns us is with respect to the timelines in the legislation. I know that advocates for

disabled persons in Ontario are pleased to see the legislation, but I am concerned about the timelines. Perhaps you might want to consider something a little bit more firm in terms of defined timelines in the legislation.

The final issue we have is around the implementation and goes to an issue that I heard represented earlier by a couple of different groups, and that's the issue of funding. I believe we're all aware that many good ideas die on the table because there isn't sufficient funding to properly implement them. In Ontario schools, we're well aware of what effect funding has on our buildings. Our structures are crumbling and are perhaps not meeting the demands of our students. Certainly in Toronto the state of our schools is an ongoing issue in the media. If we add one more thing to the plate, as it were, of school boards, without the proper funding to do that, this is a wonderful piece of legislation that will fall by the wayside. We think it's extremely important that the issue of funding is clearly laid out, and how that will be addressed by the government.

We'd like to bring to your attention a couple of additional issues that are not mentioned in the brief itself. To give you an example of one particular case, a student unable to take classes with her peers because the school elevator is broken and the budget does not allow for immediate repair: In this case, one student was left to spend her day in the special education resource room while her teachers had other students deliver her work. Imagine the possible self-esteem issues for this student. One of the things under the Human Rights Code when dealing with discriminatory conduct related to people with disabilities is that any plan we implement or come up with has to allow for dealing with individuals in a way that ensures their dignity. I think that's something we can't afford to lose sight of.

We also deal with situations where employers may look at an employee with that expression, "You look OK to me, so you can't really be disabled." That goes to the area of what is visible and what is "invisible," as it were, and I say that in quotation marks. There is also that requirement. We have faced situations where employers are looking for too much information around disabilities from employees, and we have to be careful in that area as well.

When we're looking at addressing the issues related to disability and disabled workers in Ontario, we have to recognize that it's as much an attitudinal issue as it is an accessibility issue and that you're not going to change the attitude in a lot of workplaces, in a lot of sectors, unless you address the educational issues around persons with disabilities. We need to address how we're going to educate the public, how we're going to change society's attitudes and the culture around persons with disabilities. We need to be highlighting the accomplishments of people with disabilities, and we need to be promoting that kind of inclusion in a variety of different areas.

1420

**Ms. Brenda Carrigan:** I am just going to speak briefly on Elaine's comments about involving labour in

accessibility plans. In the brief, our recommendation is to have a section of the act which would mirror the Pay Equity Act of 1987 very closely.

In the Catholic school boards of Ontario, we bargained our pay equity plans. We bargained them from a position of (a) having experience in bargaining with our employers and (b) having experience in the types of needs that our members had. We feel that this would be a perfect position for labour: to bargain accessibility plans, which of course would then have to meet the standards set by the standards committees when those standards are set. But we could get a real head start in many of our workplaces in the province by bargaining plans. In our case, we were very fortunate; although there were tribunal situations set up under the pay equity plan, we did not have one place that had to go to tribunal. We were successful, either on our own in bargaining or with the assistance of the pay equity officers of the time, in bargaining plans that met the needs of our members. We feel that this is the perfect opportunity to involve labour.

**Ms. MacNeil:** I believe that concludes our presentation.

**The Chair:** We have nine minutes left, so we'll have three minutes for each party. Can the NDP start, please?

**Ms. Martel:** Thank you for being here today. I'm going to follow up on the point you just ended on, which is to do this across the sector through collective bargaining. It is also in the OFL brief, and we heard it earlier from OPSEU. I'm quite supportive of it. It did work for the Pay Equity Act, and it's a model we should follow.

My concern is that the government might say, "Well, this will be duplication. You will have accessibility plans collectively bargained in a number of workplaces, public and private, and then you will have a standards development committee that will come in after the fact and develop standards, and they might not be the same." Are you in a position to respond—I'm not saying the government will do that—to that possible criticism that might come from the government, in terms of doing that?

**Ms. Carrigan:** We certainly considered that possibility, but the way we see it working is that if a go-ahead was given for labour to bargain plans, or, in workplaces where there is no union, for employers to come up with a plan that they would post à la pay equity, we see that as the first step—and then to build in a process of reviewing and re-looking at the plan as the sector standards come down. We see it almost as a process, going forward, almost as if it was a timeline. Accessibility plans come first, then the sector standards plans will come down, then the accessibility plans will be reviewed to meet the sector standards, and then the new plan, if there needs to be a new plan, will be created. So we do see a flow, rather than the necessity for a conflict.

**Ms. Martel:** That should mean that those trade unions collectively bargaining the plans should also be part and parcel of the committees. The minister talked about the composition of the committees this morning and alluded to representatives of the industry or sector involved, provincial ministries and people with disabilities. When I



hear about representatives from the industry, I think “employer.” I don’t think the trade union is representing those employees. It’s my view that we should be putting forward an amendment that says that another party to these proceedings should be the unions that are representing the workers in those industries, either in the public or private sector. What do you think about that?

**Ms. Carrigan:** I believe we’ve included that in our brief as well. From our point of view, it would be a real mistake not to involve a group of organizations that deal with these issues on a daily basis.

**Mr. Ramal:** Thank you for the presentation. It was well worked out.

I have a question. You were talking about the time frame not being defined. What do you mean, that the 20 years and the increment of five years is not enough, or more or less? What do you mean by “time frame”?

**Ms. MacNeil:** I think the time frame is attached to the—the five years is once the committee is established, as I read it. Is there a timeline, for example, for establishment of those committees? Is it going to take several years to get those in place, to get the standards up and running? It’s still a long way out if we’re looking at five, six, seven years down the road. So the first timeline that I see is within five years of the establishment of the committee, I believe. That’s still fairly far out, from our perspective.

**Ms. Carrigan:** We also looked at the aspect of various sectors needing different timelines. We feel that the public sector should be ahead of, for example, small businesses. So the timelines should be flexible but they should be stated for various sectors, because they don’t all have to be the same.

**Mr. Ramal:** I think that from this morning, the minister assured all the people in this province and the disabled community that she’s going to work it out as soon as possible and it’s not going to take a long time to be implemented. I believe she will do this as soon as possible, when we’ve listened to all the consultation across the province and also conduct more information about this bill and the views about this bill. I want to comment in terms of the union. I think there is nothing said in the bill about the union not to be represented or consulted. I believe one of the elements of our society—hopefully your vision and your recommendations will be well taken.

**Mr. Jackson:** Thank you for your presentation. I had raised the concern you had earlier about timelines and in fact share your view that the public sector, which has access to more tax dollars, should be required to conform sooner than an organization that doesn’t receive any public dollars at all. That was contained in the original Bill 125 and that’s why school boards are required to file their accessibility plans for the first two years and then the act called for regulations to be put in place. That would then drive further investments into the educational system to make it accessible both in terms of programs for students and teachers in order for them to move around within that system. Are you aware that the current

legislation eliminates the need for accessibility plans for school boards in the province?

**Ms. Carrigan:** Yes.

**Mr. Jackson:** OK. The second question you raised was also raised this morning, both by Ms. Martel and myself, about where we would begin with these access standards committees. The minister indicated both in a press conference outside and before this House that her priorities to start were with the hotel, hospitality and transportation sectors. My concern was that we’re going to start with the private sector and we’re not starting with the public sector, which was the complete opposite. In fact, the bill that I brought in didn’t even address the private sector until the public sector got its act together and we had standards in place that we could then impose. So any comment about your concern about education, if it should have its own committee; and secondly, how soon that should occur.

**Ms. MacNeil:** We were unaware, certainly, of the minister’s comments until you just made us aware of those comments. But as my colleague stated earlier, it would be our expectation that the private sector would be leading the charge, as it were, on this because of the connection to the funding.

**Mr. Jackson:** That’s not what she just said, but that’s fine. You two can agree to disagree.

**Ms. MacNeil:** I think, for us, education is a priority because we deal with students in an integrated fashion on an ongoing basis and have been for a number of years. Do we think education should be a priority? We wouldn’t be here if we didn’t feel that way. We’re certainly concerned about society in general but we have specific areas of concern.

**Mr. Jackson:** You would support putting back in the requirement of school boards to file accessibility plans with their unions, the public and with the government?

**Ms. Carrigan:** I think our members would probably tell you, if they were all here, that the school systems should lead the way in that the school systems look to the future of the province and they would be very loath to think that there could be a whole new generation of students go through the entire schools systems before accessibility was fully implemented.

**The Chair:** Thank you for your presentation.

1430

## COMMUNITY LIVING ONTARIO

**The Chair:** The next presentation will be Community Living Ontario.

If you could take a seat, please, I would like to remind you that it will be appreciated if your presentation could be made with a moderate pace so that everyone will be able to hear. You do have 15 minutes in total. If you choose not to speak for 15 minutes, the balance will be allocated to the various members for questions. Thank you. Please proceed.

**Mr. Orville Endicott:** My name is Orville Endicott. I am legal counsel for Community Living Ontario. We are

very pleased to have this opportunity to be present with you this afternoon on your first day of public hearings. I'm also very pleased to have with me two colleagues. On my right is Bonnie Johnston, who is a former board member of Community Living Ontario and works in a very interesting federally funded project called *It Takes a Village ... Where All People Belong*. On my left is Tony Carella, a member of the city council of the city of Vaughan and the immediate past president of our local association for community living in York south.

I'm going to turn to Bonnie first, who will tell you about some of the barriers that she has encountered in her life.

**Ms. Bonnie Johnston:** I have a list of barriers.

School: few accommodations to enable me to realize my choice of education.

Affordable housing: not available for five years. It was necessary for me to live in housing arrangements that were not necessarily my choice.

Transportation that is not affordable: out-of-town appointments and education opportunities not accommodating.

Hours of operation: do not enable involvement in independence after hours.

Hearing impairment: There have often been occasions when accommodations to hear properly in order to participate have not been available.

ODSP will go up at the end of February, but it's the first increase in 10 years and I'm still living on an income that is below the poverty level. ODSP is a barrier to employment because of the risk of being denied ODSP if there is a loss of employment, and it's linked to the welfare system in trying to get my education. In the past I have been warned that if I go off ODSP I may not be able to go back on. So I'm having to make decisions based on fear.

Who I am: I am a person who has intellectual disabilities, cerebral palsy, vision and hearing impairment who has had to self-advocate and overcome many barriers in order to fulfill what I was wanting to realize in life. I have been successful because of my persistence and strong support from family and friends.

Are there any questions?

**Mr. Endicott:** Let's have the questions at the end. I think they'll certainly have some.

**The Chair:** Thank you for your presentation. Of course, we have about—please go ahead.

**Mr. Tony Carella:** As Orville indicated, my name is Tony Carella. While I'm a member of the council of the city of Vaughan, I appear today in my capacity as immediate past president of the York South Association for Community Living, a non-profit agency serving 969 individuals in Vaughan, Richmond Hill, Markham and Whitchurch-Stouffville.

**The Chair:** Mr. Carella, can you just slow down a little, please.

**Mr. Carella:** Sure.

**The Chair:** We still have over 10 minutes.

**Mr. Carella:** We've all heard the opinion that the problem with government is that it is not run like a business. The assumption underlying the complaint is that since efficiently run businesses produce profits, if government were run in a businesslike fashion, it would serve its customers or clients well and still turn a profit or, in the case of government, generate a surplus of revenue over expenses.

So how do businesses do it? Well, it really is quite simple. Businesses exist to provide not just goods or services, but goods or services that turn a profit, and one way to do so is for business people to make choices, such as avoiding goods and services that promise only marginal profits and promoting those that are highly profitable.

Customers and clients make choices as well. If I don't like the shoes sold in one store, I can always go down the street to another store. If I don't like the way my insurance agent is handling my account, I can always take my business to another agency. But if we reflect for a moment, we begin to see the fallacy inherent in the notion that government should be run like a business.

Governments don't have customers who can take their business elsewhere; they have citizens. Businesses, customers and clients can all make choices. That is their right. Citizens have rights, too, but little choice if their government refuses to acknowledge those rights, whether intentionally or unintentionally, by failing to remove systemic barriers to the enjoyment of those rights.

Imagine, if you will, a rather impressive one-and-a-half storey building in a small Ontario town, designed in the classical revival style popular at the start of the 20th century, with large windows to let in natural light and broad stairs leading to two solid oak doors above which, chiselled into a stone arch, are the words "public library." How those words welcome one and all.

But what is wrong with this picture? Not so long ago, if you were wheelchair-bound, that couldn't be your library, because without a ramp, there was no way for you to get in. That this is no longer the case is a tribute to our evolving understanding of how equality, as embodied in the word "Public" in "public library," depends on accessibility. To put it plainly, to fail to ensure accessibility to public services—and by that I include all services provided by the government or by others, subject to government regulation—is to deny those same services.

That is what is at issue here. Bill 118 is intended to achieve a barrier-free Ontario, and I hope it does. But make no mistake: To the degree the bill, as drafted, falls short of achieving that goal, it will constitute a denial of equality to a sector of the population who, because they are citizens, not customers or clients who can choose to go elsewhere, are entitled to the same things available to everyone else.

I have seen photographs of the shore of the Bay of Fundy at low tide and at high tide. While a few boats float on the water at low tide, most lie on the shore—some close to the water, others on higher ground. But when the tide comes in, all boats rise to the same level.



To achieve genuine equality in our society, more must be done for some people than for others, because some people have to travel further to enjoy what most of us take for granted. It shouldn't be that way, and ensuring that it isn't so, once and for all, and within a reasonable time frame, is your job. On behalf of the nearly 1,000 people served by the York South Association for Community Living, I commend you to that task. Thank you.

**Mr. Endicott:** Thank you very much, Tony.

What I would like to do is tell you what you can expect to see when you turn to our brief, rather than read any of the text of the brief itself. I'm going to begin by saying that we believe Bill 118 has goals that are a very good fit with the goals of Community Living Ontario. Accessibility is what we are all about and what this bill is all about.

I want to tell you as well that Community Living Ontario has for some years been an active member of the Ontarians with Disabilities Act committee. I know you're going to be hearing from the ODA committee tomorrow and, undoubtedly, from its inspiring and amazing Chair, David Lepofsky. I want to plant in your mind the possibility that you invite Mr. Lepofsky back after the public hearings are completed to assist you with your clause-by-clause study, because I can't think of anybody who is better qualified than he.

1440

In our brief, you're going to find that we are pleased that Bill 118 has maintained the positive steps that were initiated under the ODA, particularly that it does focus on systemic change and on public participation. The ODA created the Accessibility Advisory Council of Ontario and accessibility advisory committees in the municipalities. I think this is the seedbed from which the accessibility standards committees are going to find their most active and useful membership.

In our brief, you'll also find a few words about concerns we have about this kind of legislation. As the primary organization in the province of Ontario concerned with the well-being of people with intellectual disabilities, we are always concerned that there is a risk that accessibility and barriers tend to be identified in terms of what stands in the way of people with mobility or sensory impairments. We know that you agree with us that it has to be more than that. It takes imagination, your imagination as well as the imagination of those who will be developing standards, to make sure that those barriers are overcome as well.

We're concerned that there may be a focus on economic concerns. There's nothing wrong with that focus as long as two things are understood. One is that when people are denied participation in the benefits of society that the rest of us enjoy, it's a mistake to count the cost of rectifying that imbalance. Secondly, and probably as important, as already pointed out to you, the implementation of this bill may, in fact, not cost more than is being done right now, for example, in maintaining institutionalization for people with intellectual disabilities rather than community living.

I think we have a few minutes, maybe one for each party, for questions.

**The Chair:** Thank you. Exactly one minute each: We'll start with the Liberals, then go to the PCs and then to the NDP.

**Mr. Fonseca:** Thank you for your presentation. I loved your analogy with regards to the Bay of Fundy. We've been in quite a drought here in this province for the last 10 years under the previous government, without increasing ODSP payments for 10 long years, something that was definitely needed. Also, with this legislation, as we're bringing it forward—I know that the previous legislation under Mr. Jackson had no teeth to it. It was really empty words and empty promises that really didn't get us to where we wanted to go. With this legislation bringing forward standards and implementation and enforcement, do you feel that that will take us to bringing up that tide and putting everybody on the same playing field that we want everybody to be on here in Ontario?

**The Chair:** A quick answer, please.

**Mr. Endicott:** I guess the answer is, absolutely. When I was commending the former government, and you'll find this in our brief, we recognize that this legislation addresses the weaknesses of the ODA as well as builds on its strengths.

**Mr. Jackson:** Thank you very much, Orville. It's good to see you again.

My concern would be with what's been taken out of this bill. Have you done any analysis on what's been removed from this bill and from your first effort at an Ontarians with Disabilities Act, which you helped work on?

**Mr. Endicott:** Well, I did hear you mention during the previous presentation that reporting of accessibility plans has been taken out. I think it's more important that reporting of accessibility achievements has been put in, and not only achievements but achievements that are in compliance with standards that have been set by stakeholders, including people with intellectual disabilities and other disabilities as well.

**Mr. Jackson:** And given the fact—

**The Chair:** Thank you. Ms. Martel, one minute.

**Ms. Martel:** I'm pleased to note that you have pointed out that persons with intellectual disabilities who participate on the committees are going to need support. I raised that this morning and asked the minister to consider both remuneration as individuals and also payment of any other costs that may be associated. Of course, you'd be looking at support workers; that would be required.

I'm interested, though, on page 7 when you talk about whether or not the five-year timeline for achieving each new stage of accessibility is longer than it has to be. Frankly, I said this morning that it should not be five years, it should be three years, and that the completion of the bill should be a shorter time frame than 20 or 25 years. I wonder if you have some comments about the timelines in this bill.

**Mr. Endicott:** I think we're uniformly inclined to agree with you that 20 years, particularly when you get to

be my age, seems like forever. I'm certainly hoping—I don't think the bill rules out speedier implementation, but perhaps it's attempting to be more realistic than they needed to be. Our concern, and this is in the brief, is that momentum can be lost if you go that long.

Does Bonnie have an opportunity to say something about your first point about support?

**The Chair:** Quickly. I will give you another 30 seconds.

**Ms. Johnston:** The supports need to be there. Five years even can be a long time to wait on a waiting list if you're running out of money and food and you don't have the support to get it or the means to get yourself to the grocery store because you don't have enough financial support, as well as personal support in other ways. I think that's a very important thing.

**Mr. Endicott:** Bonnie has demonstrated that a person's support does grow into not needing as much support as was originally needed.

**The Chair:** Thank you again for coming here. Have a good afternoon.

#### FEDERATION OF RENTAL-HOUSING PROVIDERS OF ONTARIO

**The Chair:** The next presentation will be the Federation of Rental-housing Providers of Ontario. Are they present?

Please have a seat, sir. You have 15 minutes in total. I would ask that you control your pace when you make the presentation so that everybody will be able to appreciate it. You can proceed whenever you're ready.

**Mr. Allan Weinbaum:** Good afternoon, Mr. Chair and fellow committee members. My name is Allan Weinbaum, and I am chair of the legislation and regulations committee of the Federation of Rental-housing Providers of Ontario, formerly the Fair Rental Policy Organization of Ontario. I sit on FRPO's board and I am also a rental housing provider. I am accompanied today by Utilia Amaral, FRPO's director of communications.

FRPO is the largest association in Ontario representing those who own, manage, build and finance residential rental real estate properties. With more than 800 members from across Ontario, from small landlords to the largest property management firms and everything in between, FRPO represents the full spectrum of the industry in this province. The implementation of Bill 118 will affect every rental housing provider in Ontario. As such, we appreciate the opportunity to share our views with the committee.

We understand that the intention of the bill is to establish accessibility standards that would complement the remedies available to the disabled through the complaints-driven process under the Ontario Human Rights Code. Our members support initiatives designed to improve accessibility for the disabled. We consider achieving this objective to be a social responsibility shared by all.

Ours is a highly regulated industry. We are affected by many different pieces of legislation, and right now many of them are being amended or repealed, including the Tenant Protection Act. This leaves our industry in a state of uncertainty and flux. We hope that the ministries responsible for the various pieces of legislation will consult with each other in their development, and we will continue to participate with policy-makers to assist them to do so.

The establishment of reasonable standards has potential advantages for our industry. Reasonable standards provide us with predictability and certainty in operating our businesses. Reasonable standards allow us sufficient time to plan and implement measures that eliminate barriers. Finally, reasonable standards create a more level playing field within the industry, as opposed to a complaints-driven system that cannot regulate an entire industry.

We support the bill's pragmatic 20-year timeline for full implementation. Of course, we believe that many measures can and will be implemented much sooner. A pragmatic approach to full implementation will give our industry some predictability and certainty in operating our businesses. Reasonable timelines allow us to plan and implement changes that eliminate barriers.

1450

There are, however, many other aspects of the bill which we find troubling. I will share them with you in the interests of improving the bill and enhancing its effectiveness.

In brief, our concerns relate to the vagueness of key terms and concepts within the bill, as well as the makeup and procedure of the standards development committees and the operation of certain enforcement provisions of the bill.

The bill contains goals but it lacks substance and specific direction. It is vague. We are particularly concerned about the lack of clear guidelines provided to the standards development committees regarding the criteria to consider for developing the standards. What will be considered reasonable? Will standards be developed regardless of cost, regardless of the likely utility? If standards development is to be left to committees, they require this type of direction before they begin their work. We want to see the legislation spell out clearly that standards will be reasonable with reference to specific limiting criteria. Look at the Ontario Human Rights Code, which uses "undue hardship" as a defining guideline with respect to notions of reasonableness in accommodation. We believe that similar guidelines for the standards development committees will help to avoid an unfortunate patchwork of different definitions affecting various sectors in a potentially unfair manner.

We recommend that the bill be amended to include specific principles to assist the committees to determine reasonable standards and measures. The allowance for different classes with different standards within the same industry contained in subsection 6(6) is the closest the bill comes to an acknowledgement that there will be



limiting, contextual factors which must be considered when standards are developed. The bill should contain an explicit acknowledgement and articulation of these factors.

For example, committees should be required to review and consider sources of financing, including the availability of subsidies, tax credits or deductions, as part of determining standards. Committees should also be required to explore the technical feasibility of a proposed standard. In some cases a proposed standard may simply not work because of technical issues, such as where a proposed alteration to a building would require removing or altering a load-bearing wall that is an essential part of the structural frame, or because other existing physical or site constraints prohibit modification.

There should be a general principle requiring all measures to be reasonable. We need to ask ourselves, first, does the measure impose an undue financial and administrative burden on the housing provider? Second, would implementing the measure require a fundamental alteration in the nature of the provider's operations? There are limits to what can be accomplished in older buildings.

These are policy decisions that should be made now and enacted in the bill and accompanying regulations. This should not be the work of individual committees. The failure to address these important issues now, as part of the legislation, will result in an inappropriate burden or power being placed in the hands of the committees. Not only would this increase and delay their work but it would give rise to different standards and approaches across the committees. The bill speaks of the minister communicating ideals to the committees through the terms of reference. Let us see at least that general policy included in the legislation now for public comment and debate.

We assume that, while important, the goals of full accessibility are not to be achieved at any cost. What is the cost which the government will consider acceptable? What is the cost which our industry is being asked to bear?

Of similar concern, the definitions of "disability" and "barriers" are too broad and appear to be open-ended. For example, the definition of "attitudinal barriers" should be developed to ensure that the standards are dealing with behaviour as opposed to personal thought. It is far from clear what is meant by an "attitudinal barrier" in the present bill.

We recommend that the government continue to work with all stakeholders to reach realistic definitions. This is crucial to the success of this bill. These definitions form the backbone of this legislation; let's make sure they are comprehensible and fair to all.

We commend the government for its consultative and inclusive approach in developing standards. We are, however, unclear as to how members for the standards development committees will actually be selected. This is a critical point because of the significant work burden placed upon these committees regardless of how much

guidance they receive. They will be responsible for putting the practical substance into this legislation. As far as the accommodation sector is concerned, we strongly urge the minister to select individuals who are competent, skilled and experienced in property management, design and construction. We look forward to providing the minister with ongoing advice and guidance on this matter.

The bill does not deal with the internal procedures and pressures of the committees. These procedures must be developed. Given the disparate makeup of the committees, one cannot assume that committees will reach a consensus on any issue. What if they can't reach a consensus? Will they need a quorum to make decisions? Will the minister act as a referee? Will the committee hold hearings or work in camera? How will the committee communicate with the members of a proposed class? While section 10 provides for public feedback on draft standards, interested parties need to be able to communicate with the committee before it develops its drafts.

We also believe that continuity will be an ongoing challenge, both for committee members and ministry staff. Turnover will hamper and delay the work of the committees. Steps must be taken to reduce and delineate the tasks of the committees to reduce turnover as much as possible.

As mentioned earlier, these committees must have clear and consistent guiding principles given to them. Absent this assistance, the committees will have to develop these criteria themselves. We cannot ask the committees to do all the heavy lifting in terms of resolving difficult policy issues before they even have a chance to do their main job of dealing with accessibility. In these circumstances, there is a risk that decisions will be made under pressure to meet guidelines and that the quality of those decisions will suffer.

We will now explain our concerns about some of the bill's enforcement provisions. We are concerned about the bill's potential overlap with the Ontario Human Rights Code. It would be unfair, unduly burdensome and inefficient for a rental housing provider to have to respond to more than one tribunal simultaneously on the same issues or to have to re-litigate the same issues. There should be a rebuttable presumption in the bill that compliance with a standard implies compliance with the code. At the very least, a concerted effort should be made by policymakers now to articulate how the two pieces of legislation will interact, practically speaking.

The requirement for annual compliance reports that will be made available to the public is excessive and unnecessary. Smaller rental housing providers may have difficulties fulfilling these obligations, which are particularly intimidating in light of their public nature. Many smaller rental housing providers have only one or two properties that generate supplementary income. This bill, if implemented, may be yet another incentive for abandoning the business of providing the most affordable housing in Ontario.

In closing, I want to reiterate that we support the intention of the bill. A clear set of standards will benefit

our industry by providing us with consistency and predictability. We are, however, concerned about the manner in which the objectives of the bill are being fulfilled. We will be providing you with a detailed written submission and we look forward to being involved in future deliberations and consultations.

Thank you for the opportunity to address you today. We would be pleased to answer any questions you may have.

**The Chair:** There is no time for questions; but we thank you for your presentation. It's limited to 15 minutes.

#### CANADIAN NATIONAL INSTITUTE FOR THE BLIND

**The Chair:** The next presentation is from the Canadian National Institute for the Blind. You have 15 minutes for your total presentation and questions and answers, if any.

**Mr. Bill Laidlaw:** It's good to be back here. Good afternoon. My name is Bill Laidlaw. I'm the manager of government relations for the Canadian National Institute for the Blind. With me is my associate, Chris McLean, who will assist me with questions on my presentation. I'd like to acknowledge the fact that Leslie MacDonald, who is CNIB's accessibility expert, cannot be here today. She is currently in Sweden, representing CNIB on a universal access design standard program.

I would like to start out by commending the minister and the government of Ontario for its quick and decisive actions that led to Bill 118, tabled early in the government's mandate. We are also pleased that the government has invited the public to review and propose amendments to the Accessibility for Ontarians with Disabilities Act. And we commend the government for keeping its promise to have open and transparent discussions about the bill.

1500

Here's a little background about the CNIB, if you're not already familiar with it. As you know, it is a national agency providing services to individuals across Canada for whom loss of vision presents problems for normal functioning. The CNIB also acts as a consultant and resource to professionals working in the field of vision health as well as social services, educators, government departments and the private sector.

The aim of the CNIB is to help blind and visually impaired people cope with their vision loss and help them lead satisfying and independent lives.

We believe that Bill 118 is good legislation and that it will help achieve the objective of removing barriers for persons who are blind or visually impaired, allowing all persons to fully participate in society.

The CNIB has been involved in discussions about accessibility legislation in Ontario since 1994. We have been a member of the ODA committee since its inception.

**The Chair:** Excuse me, Mr. Laidlaw. Could you please slow down a little bit?

**Mr. Laidlaw:** That's fine. Thank you.

The CNIB has provided support, both administratively and vocally, to the implementation of a strong and effective accessibility act.

The CNIB endorses the 11 principles of the ODA committee, which were unanimously accepted by all three parties in the Legislative Assembly in 1998.

We believe that Bill 118 provides definite improvements to the current Ontarians with Disabilities Act, 2001, and we are pleased that all parties voted in favour of Bill 118 in principle.

Our recommendations: The CNIB has reviewed Bill 118 in its entirety, and we support the objectives and content of the proposed legislation. We have identified a number of specific areas where we feel that amendments would be appropriate to help the bill meet its objectives or where clarification is required.

First, timelines: The CNIB attended the readings of Bill 118 at Queen's Park and realizes that there was considerable debate over the 20-year time frame to have full accessibility in Ontario.

We recognize that it would be desirable for the full benefits of Bill 118 to be realized within a reduced time frame. We also acknowledge that making Ontario truly accessible to all persons with disabilities will require considerable planning, time and investment. As well, the attitudinal and cultural shift that must also be accomplished will be a huge undertaking. Therefore, our organization can accept the long-term time frame proposed by the government. However, there must also be guarantees that real, measurable progress toward achieving the objectives of the AODA is made expeditiously.

It is reasonable for the legislation to mandate short-term goals and deliverables. For instance, it is recommended that the legislation be amended to create short-term time frames requiring the fulfillment of the following actions required by the AODA: (1) timelines for the appointment of standards committees; (2) mandated time limits for the government to respond to and act upon the recommendations of a standards committee; (3) deadlines for the filing of accessibility reports, based on a reasonable time frame following the enactment of legislation; (4) time frames for the implementation of enforcement mechanisms created under the act, such as the hiring of inspectors and creation of tribunals; (5) time frames for the filing of regulations under the act.

To ensure that the effectiveness of the AODA is preserved within this long-term 20-year implementation framework, the CNIB also recommends that a mandatory review process be established to monitor the progress of the legislation, measure its effectiveness and review its timelines. We recommend that the appointment of a committee or officer be legislated for this purpose of producing an independent review of AODA progress on a regular basis.

Second, private sector application: The CNIB supports and applauds the government's expansion of the appli-



cation of mandatory standards to the private sector. We understand that the intention of the bill is that accessibility standards should apply to all public and private institutions, including private business. Therefore, we believe that the act should specify that manufacturers and other industrial sectors are included in the act, as is the case for retailers and service providers.

Third, standards committees: We support the principle of appointing standards committees to conduct the work of developing accessibility standards by sector. We are further pleased that representation from all affected stakeholders will be required on these committees. It is extremely important that persons with disabilities and agencies with specific expertise are able to participate in this process. CNIB is pleased to offer its expertise and knowledge in the development of accessibility standards, particularly as they relate to blindness and visual impairment.

To ensure that the full scope of the bill is open to public scrutiny, it is desirable that the specific sectors for which standards committees will be appointed are defined, if not in the legislation, then certainly by regulation. Such designation of sectors is currently absent from the bill.

It is also in the public interest that the specific procedure for the development of terms of reference for the committees' memberships, appointment processes, mandates and decision-making procedures be legislated. Currently, it is only required that the minister create a procedure.

Following the excellent example set by the government in creating the bill, we recommend that the work performed by these standard committees be open and transparent to the public and that the legislation require these committees to publish reports on at least an annual basis. Currently, it is required that only the minister be provided with periodic progress reports. "Periodic" is not defined.

We feel strongly that there is no need for standards committees to reinvent the wheel when developing sector accessibility standards. There are already many examples of universally accepted standards that can be adopted and applied to the Ontario marketplace. Examples of such standards are:

- World Wide Web Consortium accessibility initiative standards for Web site accessibility;

- Voluntary standards for customer service developed by the Canadian Standards Association could also be implemented quickly and with relatively few costs to the private sector;

- Canadian Standards Association barrier-free design standards for built environments addressing sensory disabilities;

- International Federation of Library Associations standards for the provision of library services for people who cannot read print due to disability.

Standards for the production of alternative format materials should be adhered to in order to ensure equitable access to services. For example:

- Digital Accessibility Information System—that's DAISY—is an internationally recognized standard used in the production of audio materials;

- The Braille Authority of North America is recognized as the standard for Braille production.

- There are additional industry standards for large-print and electronic text production. There are additional examples that apply to other sectors. Using agreed-upon existing models for accessibility standards as a basis for the work performed by these committees will expedite the removal of accessibility barriers.

Fourth, uniformity: The CNIB believes that it is in the public interest for there to be only one legal standard for accessibility. Professional guidelines and standards should not contradict or obstruct the application of AODA standards. There should be no confusion for businesses, municipalities and consumers in this regard.

To this end, we recommend that the other legislation affecting accessibility be harmonized with the AODA. Bill 118 should specify that accessibility standards developed under the AODA take precedence over other legislation, such as the Ontario building code and the Planning Act.

Exemptions: We wish to receive clarification of the intent of sections of the legislation that empower government to draft regulations to create exemptions to the act. Obviously, there are concerns about the implications of how such an exemption might be applied. For instance, would exemptions apply only as incentives for organizations that exceed standards, or would there be other circumstances under which an exemption could be granted? It would be beneficial to receive examples of circumstances under which an exception might be granted.

Transition: Bill 118 prescribes the repeal of the existing ODA. While we certainly support this objective as a long-term goal, we do not desire a potential situation where Ontario would be left without any accessibility standards in the short term while the AODA is gradually implemented. Therefore, we endorse the development of a transitional plan allowing for the eventual phasing in of the AODA as short-term objectives are achieved.

In conclusion, the CNIB would like to thank the standing committee on social policy for the opportunity to provide our perspectives on Bill 118. The CNIB commends the government of Ontario, the Ministry of Citizenship and Immigration and in particular the minister for their hard work over the past year in bringing this important piece of legislation forward. We continue to support Bill 118, and we offer our help in advancing the principles of this legislation in the years to come. Thank you very much.

**The Chair:** Thank you. We have a minute and a half for each party. The PC Party will start.

1510

**Mr. Jackson:** Bill, thank you for being here today. I'll explain my absence. I'm trying to organize my father-in-law's access to a long-term-care bed and I've been chasing a doctor all day. If I don't stay on him, my father-in-law is going to languish in a hospital.

**Mr. Laidlaw:** I understand.

**Mr. Jackson:** That's what I've been doing, but I wouldn't slight one of my constituents, nor the CNIB.

You have a very thoughtful brief, and we had to listen intently because we didn't have it in front of us. We do now. I'm pleased you raised the issue of the transitional plan requirements. One of the reasons is that today we found out through the ministry and the minister that there are no regulations being planned or implemented, no review, no standards being set or sought, as required under the ODA, which empowered the Accessibility Advisory Council to do that.

Even more of an indictment is the fact that all references to the government of Ontario and its accountability for the act have been removed. There isn't even anything tying the Ontario government's ministries specifically to the access plans—just the exemption, as you say.

Are you concerned that we no longer require ministries to report accessibility plans in the province, which the minister confirmed is the case?

**Mr. Laidlaw:** Well, it's the first time I've heard about it, so we'd like to give it some more thought. But upfront, it does sound like a concern and it's something we'd like to discuss with the minister.

**The Chair:** Ms. Martel.

**Ms. Martel:** Thank you for being here today. This is twice in about two weeks. As the New Democratic Party has said, we were concerned about the timelines, so we'll have to agree to disagree about the long-term one. Someone raised with me earlier today that there should be a timeline for the filing of the regulations around the standards and the actual implementation of the standards themselves so that it's very clear that they don't just become regulations but there's a time frame within which the work has to start to occur. Do you agree with that?

**Mr. Laidlaw:** Chris, do you want to handle that?

**Mr. Chris McLean:** I believe the CNIB, when we were reviewing it, were concerned that there is an absence of short-term timelines in the bill. I think, as part of accepting the long-term goals and the long-term timelines of this bill, that there needs to be something in place to keep things moving along, that the enforcement mechanisms are there to enforce the bill, that the standards committees are there to set the standards, and currently those are absent from the bill. I do believe there should be some room for amendments for putting those short-term deliverables in place.

**The Chair:** Ms. Wynne.

**Ms. Wynne:** Thanks for coming today. I just wanted to make a comment, first of all, on the issue of the reporting requirements. Regulations that are in place are not being repealed, so the requirement of government and the public sector to continue to implement changes and to be more accessible will stay in place. Those—

**Mr. Jackson:** Point of order, Chair.

**Ms. Wynne:** In fact, we are not—

**The Chair:** Excuse me. A point of order has precedence. What is the point of order?

**Mr. Jackson:** If the member is responding to the question that I raised, I said the legislation is being re-

pealed. There are no regulations. I just want to clarify that.

**Ms. Wynne:** OK. The legislation is not being repealed in one fell swoop. As the AODA comes in place, then the ODA is repealed.

Bill, you talked about the need for the wheel not to be reinvented and that we draw on the community and the standards that are already being developed. Is there anything that either of you sees in the legislation to suggest that that's not going to happen? My understanding is that the input from folks like you, who really understand accessibility, is exactly what we're drawing on.

**Mr. Laidlaw:** Chris, do you want to handle that?

**Mr. McLean:** There is nothing specifically in the legislation that suggests that won't take place. We're trying to make sure the government does proceed in that fashion. We believe that to achieve the short-term goals, the government should be using the expertise that's already out there, and we're encouraging you to look to those existing guidelines and standards that have had a lot of work done on them already as a guidepost for the works of the standing committee.

**Ms. Wynne:** I just want to reassure you that the reason we've got the sector on those committees talking about the standards is just that, so that we take as little time as possible to develop those standards.

**Mr. McLean:** The CNIB would love to be a part of that process as well.

**Ms. Wynne:** And the CNIB, I'm sure, will be.

**The Chair:** Thank you very much for your presentation and for your comments. Have a good afternoon.

## CANADIAN MENTAL HEALTH ASSOCIATION, ONTARIO

**The Chair:** The next presentation is from the Canadian Mental Health Association. Are they present?

Please have a seat, sir. You have 15 minutes in total. I would ask that you make your presentation as slowly as possible so all of us will be able to appreciate it. Please proceed.

**Mr. Neil McGregor:** Thank you. My name is Neil McGregor and I'm a volunteer with and the president of the Canadian Mental Health Association, Ontario. Here with me is Mary Ann Baynton, director of Mental Health Works, an initiative of CMHA Ontario. We appreciate the opportunity to speak with you today.

CMHA Ontario, a registered charity incorporated in 1952, is committed to improving services and support for people with mental illness and their families and to the promotion of mental health in Ontario. CMHA Ontario is active in advocating for appropriate community-based mental health services, housing, income and employment supports for people with mental illness and their families.

An initiative of CMHA Ontario, Mental Health Works is concerned with supporting people with mental illnesses, such as depression or anxiety, in their workplace, as well as supporting their colleagues and employers. This support particularly focuses on helping employers



and employees to identify and remove barriers to people with mental illness and improving their workplace performance.

CMHA Ontario and Mental Health Works applaud the leadership of the Ministry of Citizenship and Immigration and strongly support the Accessibility for Ontarians with Disabilities Act. This is an excellent step toward full accessibility for all Ontarians, and the minister and her staff are to be commended for their hard work and perseverance.

Our purpose in preparing this presentation is to draw attention to mental illness as an invisible disability. In some ways, mental health problems present a unique challenge to this act. Barriers to people with mental illness are both attitudinal and environmental, and for this reason can be difficult both to identify and to rectify. However, barriers can be overcome. At CMHA Ontario, we are committed to a recovery model which focuses on potential for people with mental illness to lead full, productive and engaged lives in their homes, workplaces and communities.

To understand how significant it is that mental health issues are reflected in this legislation, it is important to understand the extent of mental illness in Ontario. One in five Ontarians will experience a mental illness in their lifetime. One in eight will be hospitalized for mental illness at least once in their life, more than are hospitalized for cancer and heart disease. These illnesses include depression, anxiety and phobias, and are very common. Depression will rank second only to heart disease as the leading cause of disability worldwide by the year 2020. Most people with depression are diagnosed in their prime working years, between the ages of 18 and 64.

Mental illness is in some ways a unique form of disability. Because it is invisible, it is often easy to overlook the associated barriers. Yet we know that thousands of Ontarians are currently experiencing mental illness and the limitations on their full participation which are often the result.

Mary Ann will pick it up from here.

**Ms. Mary Ann Baynton:** Thank you. Mental Health Works actually exists because of the Ministry of Citizenship and Immigration, which financed the research and development of this program. It really is because in most workplaces, issues around mental health, including depression or anxiety, are often mistaken for personality defects or character flaws or poor attitudes. When we present, it's almost inevitable that people line up afterwards and tell us about their experiences and their fear of talking about these issues in their own workplace. They fear the stigma, they fear the discrimination, and they fear job loss. They think they need to push themselves through this illness instead of getting the help and support they need.

We know that these types of illnesses—depression and anxiety—often affect the brightest of the workers in the workforce and that there are ways to support them. The accommodations that we put forward for people with mental illness cost on average less than \$500 a year, and

yet the cost of not addressing these issues is in the billions.

**1520**

So what we want to put forward—we have seven recommendations, but what they really boil down to is, first of all, to debunk the myths and the stereotypes around mental illness, that we're not talking in the workplace about severe mental psychosis. We're often talking about illnesses that we could all be subjected to at any time. We want to make explicit what is implicit in the act.

The other issue is workplace accommodation training. You'll see we made an analogy to WHMIS, the workplace hazardous materials training, that the training that's necessary for people to open up discussion and address this properly should be mandatory, in the same way that workplace hazardous materials training became mandatory.

It wasn't that long ago—and I know, because I remember it—that the word "cancer" was so stigmatized that they called it the C-word. People wouldn't tell their bosses that they had it because they were afraid of job loss. Mental illness is still that way today. People are afraid that they'd be overlooked for promotion, for training opportunities, for involvement in projects. Our hope is that we can change this, that we can bring it out of the darkness and into the light, and that this so-called invisible disability—again, I say that because it's often confused with other things—can be discussed openly.

**The Chair:** Thank you for your presentation. We have about nine minutes, about three minutes each. I believe it's the Liberals now. The Liberal Party, the PCs and the NDP—three minutes each, please.

**Mr. Parsons:** Thank you for coming here today. Individuals with mental illness face an awful lot of barriers, but certainly, in my community, when we talk about making accommodations accessible, we tend to think of mobility issues. Yet I think society's afraid of individuals with mental illness. It's not a dislike; it's a fear because of lack of understanding. We can overcome the barriers for accessibility, from the viewpoint of mobility. How do we overcome the barriers for accommodation, for rental housing, for individuals with mental illness?

**Ms. Baynton:** Thank you for that question. The issue is not bricks and mortar, as you've alluded to. The issue is in communication, in understanding, and in the workplaces, it's effective performance management to help someone get a job done in spite of a mental illness. It really is about a new understanding. One of the things that we do is, when I go out to do talks to workplaces, I bring people who have lived and worked with mental illness. It's always interesting because the reaction is, "Well, you look like me. You look like a 'normal person.'" It helps people to break through that stereotype to see that it is an illness that is episodic and can affect people and that they can get well again.

The other issue—and it's to do with the fear—is for people to understand that people with mental illness are no more likely to be violent than the general population.

It is unfortunate that every time someone is violent, we say, "Well, they must have been mentally ill," and it's not true.

**Mr. Jackson:** Thank you very much for your presentation. Earlier, the teachers' federation was here, and they talked about collective bargaining the rights issues. I didn't quite get all of it. I thought they were talking about children. I now realize they were talking about teachers, and as someone who's bargained teachers' salaries for 10 years, I remember putting in all sorts of benefit packages to protect teachers to ensure that they weren't shown the door because they had depression and so on.

So you have suggested in your brief that you'd like a sectoral standards committee established for mental health. Have you had any feedback from the government that they'd be willing to consider that?

**Ms. Baynton:** From several different departments in every level of government, that they're very interested in—

**Mr. Jackson:** That's not what I asked you. Have you had any feedback that they would be willing to give you the concession that there would be a—we know from the minister that the first one she's going to designate is hospitality to deal with McDonald's and Burger King, the second one is going to be hotels and the third one is transportation. There isn't a whole lot of mental health in there. I'm asking you, have you had any confirmation or consideration? If not, would you like us to put that in the legislation so that mental health concerns are protected?

**Ms. Baynton:** Sure. Go for it.

**Mr. Jackson:** You may want to comment. I met with the Human Rights Commissioner, Mr. Norton. We were discussing specifically those employment issues around mental health and discrimination that he has a large number of cases on. He has written this publicly, so I'm not doing this out of turn: His concern was that there's no real appeal mechanism or mechanism by which you can pursue that—in this case, in a non-unionized environment—where your union will protect you through their collective agreement.

**Ms. Baynton:** Exactly. Yes, that's what we were talking about. We'd like to make it explicit. We'd like to have that committee, because there isn't a lot of knowledge about how to accommodate people with mental disabilities. We have that knowledge, and we'd like to share it.

**Mr. Jackson:** But you want an arbitration or mediation process that doesn't throw you into the Human Rights Commission for two and a half years; you're looking for something that says, "Here's what the AODA says. This isn't being done. Here are our remedies. Here's how you can get either compensation, which is what happens with the Human Rights Commission, or go to the Labour Board, where you've been wronged and it's a form of discrimination."

**The Chair:** Can you quickly answer and then I'll move on, please?

**Ms. Baynton:** All of that, but most importantly, that we can find a way for the workplace to change to accommodate that person to be productive.

**Ms. Martel:** Thank you for being here today. I have a couple of questions. Point number 4: You talked about being able to ensure that people with mental illness are able to participate fully in the process and that the government should consider travel, child care and days away from work as costs that should be covered to participate. That's correct?

**Ms. Baynton:** Yes.

**Ms. Martel:** I raised that this morning, and I hope that the government will consider that. I think that the work that's going to be going on, especially if it goes for five years—and I hope it's not that long—is a substantial commitment, and people should be compensated and the supports put in place to allow them to participate.

Point number 5: "To accelerate the time frame to barrier removal and ensure there is an interim system by which barriers to people with mental illness can begin to be identified...." Can you tell the committee what you mean by that? Are you concerned with the 2025 time frame?

**Ms. Baynton:** There are a lot of people who looked at that and panicked, but we think that there are many standards and barrier removals that are cost-effective or cost-free that could be implemented sooner. That's really what we're asking: where it's possible, to implement as soon as these are recognized and identified.

**Ms. Martel:** Can you give the committee some examples, please?

**Ms. Baynton:** For instance, they know that the way that workplaces do mediation for people with mental health problems does not provide a level playing field. It's an intimidating process. We have developed a way to do the accommodation, mediation that levels the playing field for people with mental health issues. That could be introduced right away, instead of in five years.

**Ms. Martel:** Into workplaces?

**Ms. Baynton:** Right.

**The Chair:** Thank you very much for coming. Have a good afternoon.

## BEYOND ABILITY INTERNATIONAL

**The Chair:** The next presentation will be from Beyond Ability International. Are they present?

Please have a seat. Could I remind you to pace your presentation so that we can all appreciate your presentation? Thank you.

**Mr. Gerald Parker:** I have a laptop here with the presentation on it that the clerk is aware of.

**The Chair:** Proceed any time you are ready, sir.

**Mr. Parker:** Would this not be able to be put up on the screen?

**The Chair:** Madam Clerk, could you assist the gentleman?

You have 15 minutes total. Whenever you are ready, just go ahead.

1530

**Mr. Parker:** First of all, I will do a quick introduction. My name is Gerald Parker. I'm the president and CEO of Beyond Ability International. I have had the



pleasure of working with some of the best and brightest out there, including many municipalities across Ontario, during the course—

**The Chair:** Sir, could you just slow down a little, please?

**Mr. Parker:** Sure. I've had the pleasure of working with many municipalities across the province during the implementation of the Ontarians with Disabilities Act. I was involved in the Helios project with the European Commission over 14 years ago now. I have also worked with some of the brightest out there: the American Automobile Association, the largest travel facilitator and publicist in the world, with 8.3 million members who have declared disabilities. I understand the demographics of the maturing of our population, and as a Canadian and a person who headquarters here in Ontario, I'm glad to say that we, as Ontarians, are moving into a new era as it pertains to people with disabilities.

There is a lot we can learn, however, and not only from what we have done during the course of the last two years, with accessibility plans being required and being written and developed by the various municipalities and other required sectors. There is also legislation in its existing form that needs to be brought into context as it pertains to the education of technical professionals and policy-makers, to the education of our children in schools and also as it pertains to the education of those involved in the building of our buildings and the provision of our services. There are a lot of very good examples we can learn from that.

About four years ago, I did some work with the city of Guelph. As anyone knows, the city of Guelph is without a doubt one of the best and brightest in providing accessibility to its citizens. We worked with the council in order to reduce what were perceived myths of costs that were well beyond \$10 million.

One of the issues we have to contend with is that we have to learn from the Americans with Disabilities Act and its primary failure; that is, there were not professionals in place—whether it be an architect, a planner or someone purchasing IT equipment—to make good decisions and to spend money wisely. The process or the capacity was not there. We can learn from that experience. What Guelph brings out is that, indeed, with competent people with the right information, good decisions can be made, money can be saved and more people can be served.

I'm here to talk about primarily four things today: education, technical and legislative congruency, funding, and empowerment to change.

Education: As we well know, we're here with the ODA and the AODA before us because this government considers people with disabilities and our maturing population a very significant consideration.

**The Chair:** Mr. Parker, please slow down a little in your presentation. Thank you.

**Mr. Parker:** OK. It's such a short time, though. I've got so much to talk about.

**The Chair:** You have 15 minutes in total.

**Mr. Parker:** I learned a long time ago, as a friend told me, that legislation does not necessarily change minds; it just constrains the heartless. I think, as it comes down to human rights issues and understanding the fact that we do have a Charter of Rights, which was implemented in 1982, and the Human Rights Code, that what should be governing our jurisdictions and our activities now has not necessarily been adhered to. So we have to learn that lesson and understand that minimum standards, whether under regulation or otherwise, are not working. We need to understand that, as we are here to improve the reality for people with disabilities and to improve the identification and prevention and removal of barriers for people with disabilities, certainly we are here to know what those barriers are all about. I'm going to give you some examples right now of how existing legislation, even in its proposed form, will play out and continue to create new barriers.

This is a newly leased municipal facility bound by the ODA in its rental and its provision of services. Its interior has been completely gutted and renovated. Unfortunately, as the arrows on this picture at the front of the building illustrate, there is between a three-inch and an eight-inch threshold—that is the building code versus the Planning Act, building permits and what's governed by that. You have a perfectly accessible building being utilized by a mandated sector, but unfortunately the result, due to the lack of process, appreciation and education on these issues, is a continued barrier that is built. This, ironically, is the primary location for all parks and rec program sign-ups.

Architectural barriers right now within a building or coming to a building: the parking; the curb cuts; everything that leads to that building—the path to travel to it and through it, the entrances, the width of the doors, the weight of the doors, the timing of the doors. You can go into the area where perhaps grandma and grandpa, as an increasing part of our maturing population, would like to sit and watch their grandkids play hockey, but they can't at this time because that's not being considered.

Change rooms that need to provide for increased accessibility considerations—this is for most of us, as by the year 2040, 40% of our population will have some degree of accessibility consideration.

Pool lifts are not mandated, but in a demographically maturing population where hydrotherapy is one of the primary means of rehabilitation and preventive maintenance, that's not covered off. I could continue on that one for a long time.

Informational barriers: We've got a picture here of a Leafs fan who is a skeleton, waiting for the Stanley Cup to arrive—apparently, he may be there a little longer. The point here is memos, the way we conduct our business, the clerk's office, alternative formats, the formatting on a Web site, which was referred to before by the CNIB in regard to proper scripting and platforms.

Communicational barriers: We in this room today are communicating through a sign-language interpreter. Others may require other forms of interpretation, closed-

captioning etc. The good people at the Legislative Building have provided that for us, but I challenge you to go to most council hearings across the province. You will not find the benefit of these provisions.

Here is a great sign. It's all properly tactile, contrasted and raised, but it's right at the back of a door. A person who is looking at that sign and who requires the use of it will have a door opening into their present position. Liabilities are at stake as well.

Attitudinal barriers: It doesn't matter how accessible your location is if people are not educated in providing proficient, effective and cost-effective servicing. The person behind this desk could simply get up with a clipboard and walk to the fore and be able to provide a very important yet interim solution to a long-standing problem.

Technological barriers: TTYs that perhaps enabled someone to talk to the good clerk in coming here; listening systems that perhaps we may be employing today, FM or infrared listening systems for people who are deaf and/or hard of hearing; reading and illustration devices; entrance and security devices—automated doors and card swipes. All these kinds of things are not covered by existing legislation.

Emergency notification devices—strobes and that kind of stuff, emergency traffic controls and sensors: This has been a pretty hot topic recently around folks in my circle. What do we do when an emergency vehicle comes to an intersection where we've put in sensors and remote controls to enable them to get through that intersection at a higher rate, obviously to help someone, yet someone who is deaf or hard of hearing, perhaps even blind, may not hear or see that vehicle coming and, I hate to say, it being too late. These are competing interests that we have to consider.

Policies and practices: There are a lot of them, and I'm going to show you one example, one particular topic where policies and practices come into play. Give me one moment.

1540

In order to deal with this education, in order to advise people to be able to provide for our professional persons—architects, planners etc.—to be in the know, we have to start with our children and include that within the curriculum of our school systems more actively than we are now. Post-secondary professional degrees and accreditations must integrate accessibility planning and policy content into curriculum and accreditation requirements.

Is anyone here an architect? Anyone in the building an architect? Do you know how long an architect spends on going through barrier-free design during the course of their post-secondary education? Eight hours of instruction for what is presently almost 20% of our population. That is woefully inadequate. We need to enable people to think around these problems and provide cost-effective solutions.

Public services or service industries must have industry-specific educational programs and resources provided and actively engaged. They have to be specific

to their industry. Public services bound by the AODA must engage and integrate accessibility training into employee orientation, much like my former colleague from CNIB and I think Canadian Mental Health also said, much like the health and safety act. We need to do that. We need to enable people as they walk in the door of new employment in the public sector; that's what this is all about. We need to require public facilities and operations to have a posted accessibility policy, much like our Human Rights Code etc. We also need to ensure that all of these means are being communicated effectively through accessible formats and means.

This is the most important discussion in this entire presentation. Technical and legislative congruency has been a point of contention and a point of much discussion by myself and many of my colleagues, who have been at this for a long time. I've personally been at this for 18 years, and we still haven't found a perfect solution, but we can learn from others' experiences to be able to bring forward some amazing resolutions or solutions. Technical and legislative congruency between the building code, the Planning Act, the Highway Traffic Act, the Municipal Act and now Bill 145—and I would encourage those who are not familiar with it, although I don't have the time now, that you very much need to get up to speed on it, because it's going to change the context and the liability as is perceived to any injury that is undertaken or a result of a lack of governmental action.

This is one topic, by name and by profession, perhaps—my mom used to be a traffic cop, my last name is Parker, and my father is a judge. I understand that parking for people with disabilities is probably one of the most contentious issues from so many perspectives. Here we have the Highway Traffic Act that requires signage under regulation 581. We also have the Planning Act, perhaps, and other acts that say we should have curb cuts and other amenities in place. The reality is, that parking spot has been put in devoid of other considerations, rendering it a hazard because this person literally has to go almost one block down a very busy street to find a sidewalk they can even get up on. So there's that consideration. When you're dealing with off-street parking, where it's provided, how it's provided, the dimensions that it's provided with, what it's connected to and the signage being in place are all important elements.

As a member of the AMO task force on municipal parking programs back in the early 1990s, we came up with a couple of really intuitive and pretty important ideas. This little sign that I'm showing you right now was implemented in the city of Brampton and is now being endorsed by Mississauga, Cambridge and a number of other municipalities that we've worked with. This states the maximum fine rather than a set fine; \$5,000 is a bigger number to be fearful of as a deterrent than \$300 or perhaps, as was the case with that past picture, \$50. Having an enforcement number in this day of cellular phones and very responsive and very appreciative, sensitive, trained staff put the time of this individual getting tagged out at approximately one and a half



minutes. They take their job very seriously in Brampton, and rightfully so. This sign here, innovative thinking, can move over a lot of these issues.

Proper maintenance, snow removal: When these parking lots are demarked and then changed out for whatever reason, we need to ensure that.

Lawfully signed: I know from the AMO task force that every property that is governed by the Municipal Act was required to have accessible signage in place no later than November 1, 1991. It's 2005, folks. Why are we still having this discussion? These are existing pieces of legislation. Ironically, to the left of this sign, it tells you how to defend that very spot.

We have to consider this in context of how we can overcome some of these existing issues. I want to very quickly go to my last slide, if you don't mind, if I may beg the Chair's indulgence.

**The Chair:** Thirty seconds, please.

**Mr. Parker:** We have to:

(1) Get a development charges amendment in place, as AMO has put forward. We also need to clarify within the bill and publicize that accessibility is a constitutional right and a transcending obligation. We need to clarify and buttress the economic impact and penalties of non-compliance. Our tourism industry has suffered enormously as a result of these inadequacies.

(2) Require proactive engagement of the standards development committees, the Accessibility Standards Advisory Council and the accessibility committee. Talk to these people before it's too late, or lots of mistakes will continue to happen.

(3) Develop and require primary, post-secondary and industry education programs, content and criteria pertaining to accessibility.

(4) Require all public operations to prominently post an accessibility plan.

(5) Amend the Development Charges Act to fund accessibility and factor it into all new infrastructure—this is an incredibly innovative and revenue-neutral means of dealing with it—and fund this where it should be: in the infrastructure, not as an afterthought.

(6) The last point is that we need to fully integrate the conventional public transit systems, regional specialized services versus municipal services—a \$24 ride versus a \$2.50 ride, and increased dependency upon a door-to-door ride when it's not necessary. We need to give the municipalities the funding to integrate their conventional systems.

(7) The very last point is to seek technical and legislative congruency between the Highway Traffic Act, the OBC, the Planning Act, the Municipal Act and now Bill 145.

**The Chair:** Thank you, Mr. Parker, for your presentation.

#### NATIONAL BROADCAST READING SERVICE

**The Chair:** The next presentation is from the National Broadcast Reading Service. Are they here?

Sir, when you start the presentation, you will have a total of 15 minutes. I would ask that you keep in mind that we have some people here with disabilities, so could you speak a little slower so everybody will be able to appreciate your presentation. Please proceed whenever you're ready.

**Mr. Bob Trimbee:** Good afternoon. We wish to thank the committee for this opportunity to present our views on Bill 118, legislation we would like to see become a model for all provinces. In the coming days, you will be privy to the views and suggestions of many individuals and organizations. While we are supportive of much of what they say, our comments today flow from our ongoing and specific activities. For that reason, I am here today as the president of the National Broadcast Reading Service.

NBRS is a unique, non-profit organization set up 15 years ago to, as our vision statement says, reduce media barriers faced by vision- and print-restricted Canadians. Included in this surprisingly large but underserved demographic are people who are blind, who have low vision or who have a physical or learning disability. A significant percentage became vision- or print-restricted due to diseases and impairments associated with aging, such as diabetes and strokes.

**1550**

My five NBRS associates this afternoon: on my far right is Katita Stark, chair of our volunteer board of directors. Next to Katita is Geoff Eden, former NBRS vice-chair. Beside Geoff is Arlene Patterson, NBRS general executive. By Arlene is Stephen Trumper, NBRS ombudsman. On my immediate right is Anne Musgrave, an NBRS board member.

**Ms. Arlene Patterson:** Good afternoon. I'd like to start by saying that NBRS supports the principle and purpose of Bill 118: the elimination of barriers to accessibility across Ontario. We would, though, like to draw your attention to a barrier that is often overlooked—a communications barrier; specifically, the barrier that prevents up to two million Ontarians from enjoying and independently accessing current information from such sources as newspapers, magazines, Web sites, and, yes, even government documents such as the ones that have been and will be produced by this committee.

If Bill 118 is to make Ontario a truly accessible place, then the information needs of all Ontarians must be met.

As a Senate report on the media stated last year, "News matters. No real democracy can operate without informing people about the way their society works, what is going well and, perhaps more important, what's not going well and needs to be improved."

There is no argument; information impacts every decision citizens make.

Since 1990, our enterprise has been Canada's leading provider of published news and information for, according to Stats Canada, 3.2 million Canadians who cannot independently access printed materials. That is why in licensing an independent audio reading service, the CRTC described its action to be "not only in the public interest but a matter of national importance."

VoicePrint, a division of the National Broadcast Reading Service, reaches eight million Canadian homes, almost half of which are in Ontario. The content, read by hundreds of dedicated volunteers, is primarily comprised of full-text versions of articles published by English-language newspapers, both daily and community, as well as magazines and specialty periodicals. Increasingly, VoicePrint is offering its help to governments and corporations which engage us to read and distribute important printed information that needs to be available to all citizens. For example, within the last two years, Elections Ontario, Elections Canada, Indian Affairs and the Royal Bank have contracted us to broadcast essential information on our round-the-clock audio service.

**Ms. Anne Musgrave:** I'd like to move on to what Mr. Trimbee spoke to earlier: our thoughts regarding Bill 118.

(1) We believe there should be a provision that ensures that all efforts to provide accessibility for persons with disabilities in Ontario should respect and be sensitive to the particular disabilities themselves. For example, expecting that notices of proposed standards be posted on Web sites is not meaningful to most persons who cannot access print. Therefore, regulations yet to be established should clearly place the government in a leadership role in making sure all communications to the public will be accessible instantly to persons with disabilities. We urge that proactive communications standards be immediately implemented to enable and maximize participation by persons with disabilities, especially those who are print-restricted.

(2) We believe there should be a provision that where services are required to facilitate accessibility under the bill and more than one person or company offers to provide such services, services provided by persons with disabilities or companies that employ the services of persons with disabilities should be given preference so long as they are provided on a competitive basis. It is only through such an approach that the legislation will endure as a meaningful expression of the need to encourage Ontarians to work toward true accessibility.

(3) We are concerned that section 33 of the bill provides for incentives where persons or companies can get into agreements whereby they would not be required to give an accessibility report or submit information, documents or other reports. We urge that great care be taken to ensure this is not construed to mean that persons or organizations entering into such agreements are in any way exempt from any accessibility undertakings. As well, they must be required to communicate their accessibility activities to the public, including those unable to access print or visual media. It is our view that no municipal or provincial government, agency or commission should be permitted to enter into any exempt agreement.

(4) We note that the bill applies to both the public and private sectors and it specifically applies to the provincial government. Therefore, it applies to TVOntario. We would like to point out that commercial broadcasters are required by the CRTC to provide what is called "de-

scribed programming"; however, TVO does not. This situation can be remedied as early as tomorrow morning without the need to undertake costly technical upgrades. To those on the committee unfamiliar with this term, video description does for people who are blind or low-vision what captioning does for people who are deaf; that is, make on-screen entertainment and information more accessible. AudioVision Canada, a division of NBRs, is a leading provider of video description services, having done description for such productions as *To Kill a Mockingbird* and *The Greatest Canadian* series.

We've left an example of how educational and children's programming can be enhanced through video descriptions.

Thank you. Now, Stephen Trumper.

**Mr. Stephen Trumper:** We'd like to offer two suggestions on how NBRs can assist in the discussion and implementation of the goals articulated in Bill 118.

(1) We note that the bill provides for the involvement of persons with disabilities, the government of Ontario and representatives of industries and various sectors of the economy in the development of accessibility standards. However, there is no guarantee that the information will be made instantly accessible to people who are vision- or print-restricted, the very people who must know about such accessibility standards. We suggest that the committee consider making use of voice print to communicate information to vision- and print-restricted Ontarians, something we can do both on our broadcast channel and through our growing network of Internet-based local broadcast centres.

(2) We note that under section 12 of the bill "the minister may retain, appoint or request experts to provide advice to a standards development committee." NBRs is ready to provide expert assistance on an ongoing basis to each SDC. We could, for example, provide advice and help on how information relating to each committee's activities might be communicated to persons who cannot access print or cannot access film and TV messages. Thank you.

**Mr. Geoff Eden:** Good afternoon. We live in a complex society. In that society, every decision we make rests very strongly upon the quality of information we have at hand. Each day we make 100 or more decisions and look for different choices based upon information. I put to you, can you imagine choosing a meal in a restaurant without being able to see or read the menu? For some people, a short trip might require having good knowledge about the pathway to a location, whether that path is clear and safe and whether the location itself is accessible.

The other issue we have to deal with is the fundamental needs of our democracy. Many of us who wish to participate in democracy need to know whether the polling booth is accessible. We need to know whether the process is accessible. We need to know about the candidates. We need to know about the points of view of the parties in order to participate fully in that process. It is our opinion that any legislation and regulations that



come out of Bill 118 have to address some of these issues in order that we assist those people who operate now in their attempts to try to overcome and deal with this horrendous information deficit.

1600

**Ms. Katita Stark:** As chair of the volunteer board of directors, I'd like to thank you for the opportunity to present today our opinions on the bill. I'd also like to reaffirm our mandate, which is to partner with public and private entities to reduce barriers to information. Are there any questions?

**The Chair:** I thank you for coming down and staying within the time. Thanks very much for your presentation.

### HÉLÈNE MOGYORODI

**The Chair:** The next presentation will be from Hélène Mogyorodi.

Ms. Mogyorodi, you will have a total of 15 minutes for your presentation. I would ask that you make your presentation in a way that everybody can appreciate it.

**Ms. Hélène Mogyorodi:** Absolutely; thank you. My name is Hélène Mogyorodi. I'm here to talk about autism and a mother's viewpoint. Do you have copies of my presentation?

**The Chair:** Yes, we all got it.

**Ms. Mogyorodi:** On the front cover, there's a good reason why there's a clock and some paperwork. I feel like the clock is ticking and our children are in deep trouble. We're buried in legislative arguments and arguments with teachers and school boards and Ontario human rights.

The content is: why I'm here, what autism is—I don't think people understand it—and what I think the impacts on our families and society are today and in the future. Then I'd like to talk a little bit about Bill 118. I did see Norrah this morning. She doesn't believe that Bill 118 has the teeth to help our kids. I'm not a legislator; I'm a parent. I hope to God that somebody puts the teeth in there to help our children.

Let me go to what I'm here for: my seven-year-old son. His name is Sam. He's got an excellent prognosis with the right support and therapies.

I'm going to do a really brief description of what autism is. On the left-hand side you see Webster's description, which is, "A psychiatric disorder"—I believe it's a neurological disorder; I disagree with Webster's—"of childhood characterized by marked deficits in communication." It's not a childhood illness. It lives with you for life. It is found in childhood.

Another difference is the preoccupation with fantasy. How do we know these kids are preoccupied with fantasy? I don't believe that either. I live with my child and I wish he did fantasize.

Something I've added is obsessive compulsive behaviour, another thing that we have to live with. It is not usually associated with intellectual impairment; it is sometimes associated with mental impairment. Approximately 50% of children have absolutely wonderful brains that are being wasted.

I don't know if you know who the person on the left-hand side is. The right-hand side is obviously Sam, but the left-hand side is Helen Keller. I wanted to bring this to your lives. Everybody has seen the Helen Keller movie. She was born more than a century before my son and when she was born, she was a totally normal child, just like my son. At about the age of 19 months, she developed an illness and became deaf and blind. At about two and a half, my child developed an illness of some kind, and it was gradual. Although he can physically see and he can physically hear, he cannot comprehend what he's seeing and hearing.

We go to the wild thing, next. This is a little bit emotional for me. At the age of three and a half, Sam was so violent and self-abusive, he had a permanent bruise on his forehead from beating his head on hard objects, including concrete floors. He was exceedingly violent toward me. I had scars from bite marks, my nose was cracked when he head-butted me, and he would jump at me from the top of the stairs. This is not easy to live with, and I knew that if I didn't do something, he would be institutionalized by age seven, which would break my heart.

Luckily, I got my diagnosis—and I really wanted that diagnosis. I knew there was something wrong. I put him on a casein- and gluten-free diet. It's something I could do. I saw very good results from that diet, but it wasn't enough. We had to bring him back from the wild thing. We were lucky enough and I pushed hard enough to get ABA therapy, which was partially funded through the direct funding mechanism. The first thing, just like Helen Keller—we have two wild things: obedience first and next he got toilet trained. He was age four and a half, learning how to speak—he had lost his ability to speak—learning how to listen, learning how to socialize. Now today, he can read, believe it or not. Did the schools do that? No. I had to put him in a reading program.

Sam is a beautiful child. The thing that I think is the biggest parallel here is that miracles can happen. We have 100 years difference. If we had Helen Keller today, what would we do with her? I think this is very similar. We know what to do with these kids.

Here are some fast facts: ABA therapy is the only proven thing that works with these kids. More than 1,200 children are on waiting lists for ABA therapy today, but not my child because he's fallen off the waiting list because he's over six. Most children fall off the waiting list before getting anything, and they're like my child. I can't tell you how heart-rending that is.

School systems: I'm at war with the school systems. They don't like the word "ABA." It's the only way he can learn. We need to bring that therapy, those techniques, and integrate them into the school system. My child is being babysat at school today. I teach him at home through ABA and professionals teach him at home.

I'm lucky. Most parents have to pay \$50,000-plus a year after tax. I had to do that. My ex-husband and I dug into our home equities and paid for two years, about six

months of which I had to fully fund because he was over six years old.

This should be really alarming. There is a silent epidemic going on. It used to be that one in 5,000 children were diagnosed with autism; now more than one in 200—or maybe it's one in 250, it doesn't matter; it's staggering. By the time kids get to kindergarten—and you can talk to teachers, they are coming in in droves. What to do with them?

The Ontario government approach right now is going to try to target the more severely impaired. I would argue with that. I think we need help for everybody, but the best help can come from that 50% up. Those kids can be total stand-alone kids. Autism is one of the few disabilities that you can almost reverse. It's as if you were blind and you can make people see, or you were a quadriplegic and now you can walk. That is absolutely true. There are people out in the world today—Temple Grandin—who do fantastic things for our communities and our society.

1610

I'm going to take you through this for two minutes. This is a growth trajectory. The black line is a chronological age typical of developing peers, one to one, one year old, one-year development. My child is the yellow. An autistic without treatment is the purple colour. You can see that the prognosis for that purple colour, the Randy Mogridges of the world, the people who will be institutionalized, they are going to hover between the ages of three and four for the rest of their lives, and they will live a long life unless of course something happens to them. You can see the yellow line. We flatlined between the ages of six and seven. That's when the ABA therapy was removed from my child because I couldn't afford it. I put my trust in the school system, that they would help me out.

In February, the teacher called me saying that everybody in the school was afraid of my son. I brought the Behaviour Institute in, spent many thousands of dollars to bring that under control, and that was the resurgence of the ABA therapy for my son today. He was in a reading program starting October 1, 2004. By December, he was reading. Today he is spelling. That's my son. I want to thank Dr. Joel Hundert and Dr. Nicole Walton-Allen. They saved my life. They saved my family's life.

I want to talk about costs, and I'm going to take one more minute. I'll leave this with you. I've had many of those family costs myself, but I want to take you to one more slide. This is the Ipsos-Reid survey. This is a slide—and I'm not an actuary. We did a quick study. What does it cost to institutionalize a child? You have the details—with no support, about \$29 million. This is the kind of support given to a child until he is six, if you happen to get support: \$26 million. If you can bring along ABA therapy for these children, even in a limited fashion, and integrate it with the schools, the full support on the right-hand side is where you're going to end up. It's going to cost you about \$644K per child for his lifetime. These are estimates from people who work with autistic people.

We all need a hand. I can't tell you. I don't care where it comes from—the department of social services or whatever it's called today, the school system—it doesn't matter. Can we stop fighting? Can we get the help we need?

I want to thank you for your time.

**The Chair:** Thank you for your presentation. I believe there is a minute or so. I will recognize the PCs if you have any questions. Just one minute.

**Mr. Jackson:** Hélène, thank you for your powerful and passionate appeal to this committee. Do you want this legislation to specifically address autism and ABA? Short answer.

**Ms. Mogyorodi:** Absolutely.

**Mr. Jackson:** Do you concur that if ABA is medically valid in this province for children from infancy to age six, it should be deemed equally as valid for a seven-, eight- and nine-year-old etc.?

**Ms. Mogyorodi:** Absolutely. It should be under the psychologist's determination of that person's needs. My child doesn't need as much as he did when he was direct, one on one; he needs less.

**Mr. Jackson:** Finally, do you believe there should be an education standards committee that includes implementing ABA as one of the requirements in this legislation?

**Ms. Mogyorodi:** Absolutely.

**The Chair:** Thank you very much for your presentation.

#### YORK UNIVERSITY FACULTY ASSOCIATION

**The Chair:** The next presentation is from York University Faculty Association.

You have 15 minutes. Please proceed whenever you're ready.

**Ms. Ruthanna Dyer:** Thank you. I believe the secret-ary to the committee is distributing the presentation.

York University Faculty Association is the collective bargaining agent for 1,250 full-time professors and librarians who work at York University. We welcome the opportunity to respond to the committee on Bill 118.

I am the convenor of the disability caucus within YUFA, which is composed of about 2% of our membership of the association who have identified themselves as workers with a disability or workers interested in disability issues. I do not have the precise number of individuals with disabilities who are working on the faculty at York, because it is a matter of personal choice whether they declare that information.

Attitudes are the greatest barrier—you've heard that earlier today. Unapparent disabilities such as mine should not be ignored in the establishment of standards. Funding should be earmarked for consultation and training with respect to mental, cognitive and metabolic disabilities, such as diabetes, heart disease and other disorders, which require adapted work or adapted workplaces.



Procedures to seek accommodation should be transparent and accessible to the worker working with a disability. We've heard about issues around print material, Web site material, etc. and accessibility. You would believe that probably in an educational institution, particularly one of our primary post-secondary institutions in this province, it would be fairly easy for professors, all of whom have a Ph.D. and research skills, to figure out how to acquire an accommodation protocol. It is a maze. We are currently working on clarifying that and cleaning that up, but that is not the current standard. That's why this really is not something that can be minimized.

We have an aging demographic in the workforce. The average age of post-secondary educators in North America is close to 50 years. Thirty-five per cent of post-secondary educators who were working in Ontario in the year 2000 will retire by 2007. That's from an ACAATO study that was done for CAATs. Increased age is associated with increased incidence of chronic illness and of partial or total disability. But most disabled faculty can work if accommodation and an accessible workplace are available.

Our post-secondary institutions are aging infrastructure and constitute significant barriers. Many of our buildings were built well over 50 years ago, even at York, which is one of the newer universities in the province. Renovations often meet newer codes with lower accessibility standards, resulting in a loss of accessibility. Construction presents obstructions of narrow and uneven walkways—we have nine buildings under construction this year. Prior best standards should be retained where they have been in place, even if not required by newer code.

Equally important, newer technology can present new barriers. Buildings with wireless communications, such as the one that I teach in and work in, have interfered with assistive hearing devices. The wireless net has a damper, for security purposes, that damps cell phones in the area and security radios for the university security force, but our students with hearing disabilities and our faculty with hearing problems can't use assistive devices in that building. All our computer labs for computer programming are located in that building. I may be able to relocate a history class, but I can't relocate a computer programming course.

Technology-equipped classrooms are designed for a lecturer who stands. Thus, technology is not available for a lecturer in a chair. New glass wall designs inside our buildings are beautiful, but the doors are too heavy to open and current code doesn't require internal touch plates.

1620

YUFA asks you to include workers' organizations as you move through implementing Bill 118. We support the Ontario Federation of Labour amendments. Workers' groups should be recognized as stakeholders in the setting of standards for specialized and local workplaces and in reporting and evaluation of local application of standards. The Ontario Occupational Health and Safety

Act can be used as a template for such joint activity in the workplace. It was interesting to hear other groups address you with this suggestion. Bill 118 and the Occupational Health and Safety Act have a similar structure of regulations, inspections and fines. They're familiar to employee relations and human resources departments as well as labour organizations. YUFA would urge you to give priority to disabled workers as inspectors, once the regulations and standards are in place.

Finally, we believe that 20 years is too long. There is much prior work that has been done and can be used to provide more efficient implementation. We would encourage the committee to reduce the waiting and costs of inaccessible workplaces and places of learning. The cost to society for this long wait should not be acceptable in this era of scarce social, health and educational resources.

I have left you our contact information on the last page. Thank you very much for this opportunity.

**The Chair:** We have six minutes—two minutes each—and we'll start with Ms. Martel.

**Ms. Martel:** Thank you for being here today. I appreciate that you have put in bold print and increased the size of "20 years is too long." As you can imagine, there have been some very mixed views about whether we can do something bolder in Ontario in less time or whether we really do have to drag this on for 20 years and see a whole generation pass.

I was interested in your "newer technology can present new barriers." How is that York could go ahead and make these kinds of changes and not take into consideration the impact they would have on students and faculty who have specific needs for learning? How did this happen?

**Ms. Dyer:** Very simply, the buildings were designed without any negotiation, consultation or input from the faculty association and the disability caucus in that association. York has been a leader in accessibility for students. On the original campus, built in 1969, the older buildings are far more accessible than the newer buildings. When issues were raised after the fact, the answer was, "They meet current code."

**Ms. Martel:** You talked about the Occupational Health and Safety Act, and one of the examples or models that both OECTA and the Ontario Federation of Labour in its brief have put forward is the pay equity legislation, which also sets out a process of bargaining pay equity in the workplace. Would you be supportive of bargaining disability issues in the workplace, and to do that as soon as possible, because you'd be in the best position right now to know what is needed for students and also for faculty who need to get back to work?

**Ms. Dyer:** Yes, very definitely, and I'm currently involved on the task force on bargaining accommodation for faculty at York University, so I see this as a collective agreement issue and a labour issue as well.

**The Chair:** Thank you. Mr. Craitor, please.

**Mr. Craitor:** Thank you for the presentation. As well, thank you for the large print. I left my glasses upstairs, so that was really good.

Your whole presentation was excellent, but there was one section here that really caught my attention, and it was mentioned, I think, by one or two groups already. That's to do with workers' groups being recognized as stakeholders.

**Ms. Dyer:** Workplace groups being recognized?

**Mr. Craitor:** Yes. In my former life, before being elected, I was president of a labour council, and president of two unions as well. So I think there is an opportunity for labour to play a role in this, and the bill doesn't preclude that from happening. But my question is, just to get a perspective from you, how do you see workers being involved in the process?

**Ms. Dyer:** One of the templates that you might look at is the current collective agreement that was bargained with the CAATs, the community colleges of Ontario. They have new language around disability and accommodation, where each local workplace bargains and negotiates their own solution but the principles are laid out in contract language. That is what I would suggest, because I think each individual disability and each accommodation protocol is different, and each workplace differs and each job description differs. So local standards within a context of principles that are negotiated at the bargaining table would be what we would foresee as an appropriate approach.

**Mr. Craitor:** Thank you very much.

**Mr. Arnott:** Thank you for your presentation. You've outlined a lot of the practical problems that I think all universities will be struggling with in the coming years as this legislation moves forward. I'm very impressed that York University Faculty Association has what you call a disability caucus. Do all post-secondary institutions take the same kind of proactive approach that you've taken, to the best of your knowledge, or do we have a first here in that respect as well?

**Ms. Dyer:** I think it varies very dramatically. In the colleges, disability issues are addressed much more proactively. I should tell you that I spent 30 years at Seneca College before I went to York University, so that's where the reference is coming from. I think university faculty associations are beginning to address these issues. In terms of access for students, York and many of the universities have been extremely proactive. It's very frustrating, as a worker with a disability, to work in an environment where students and clients are supposed to be accommodated but the workers are not equally accommodated. So that's part of my frustration.

**The Chair:** Thank you very much for coming here today.

**Ms. Dyer:** Thank you for the opportunity to address the committee.

#### TRANSPORTATION ACTION NOW

**The Chair:** The next presentation will be from Transportation Action Now. Is Mr. Brose here?

Please come forward. We have your material already. Proceed whenever you're ready, sir.

**Mr. Mark Brose:** My name is Mark Brose. I'm president and chair of Transportation Action Now. I'd like to congratulate the committee for creating this very progressive bill. It is not yet perfect, but we fully support this government in its goal to remove the barriers that still exist for so many people.

1630

TAN supports other submissions which are being made to this committee. Specifically, we support the Ontarians with Disabilities Act Committee's recommendations for changes to Bill 118. We are also in support of the recommendations that are being made by Janice Tait and Toronto city councillor Joe Mihevc.

Transportation Action Now Inc. is a non-profit volunteer organization dedicated to the promotion of, education on and advocacy of accessible transportation for seniors and people with disabilities.

TAN was founded in 1985 as the Trans-Action Coalition, a non-profit coalition of over 100 organizations dedicated to the research, advocacy and promotion of accessible transportation for all people in Ontario.

We believe that it is important to broaden awareness on the part of individuals and organizations about the need for accessible transportation for all people not now served by our public transit services. We work to accelerate the integration of all people with disabilities into the mainstream of provincial life through promotion of the accessibility of public transportation.

Over the last 20 years, TAN has developed a substantial body of knowledge. Research has been a large component of TAN throughout the lifetime of this organization. Throughout the years, we have continued to perform in-depth studies and have provided critical comment on a wide range of issues related to disability and transportation. We continue to research and publish comprehensive studies, the most recent focusing on low-floor streetcars as well as the accessibility of Toronto's subway. TAN is uniquely positioned to take a leadership role in the process following proclamation of the AODA.

Our recommendations:

(1) In Ontario, there is not very much transportation under direct provincial jurisdiction. Most responsibilities for transportation have been downloaded onto the municipalities. Examples which fall under provincial jurisdiction would be entities like the Ontario Northland train, GO Transit and Ontario's intercity bus service. Municipal responsibilities cover entities such as paratransit, buses, streetcars, subways and taxis. At this time, standards are not compatible with what is presently under provincial-municipal and provincial-federal jurisdiction. We want to see Bill 118 speak directly to provincial-municipal as well as federal-provincial co-operation, with the goal of ensuring a strong future for paratransit across Ontario.

(2) We would like to see a provincial commitment to better fund transit, which has been suffering in a downward spiral for the last decade.

(3) We would like a standard created which would define what paratransit in Ontario should look like. At



this time, there is no consistency in what or how municipalities deliver paratransit service.

(4) We want to see accessibility improvements happen per mode of transportation; that transportation authorities are required to recognize that it is important to bring accessibility into all components of their transportation services as soon as possible.

In conclusion, the Accessibility for Ontarians with Disabilities Act defines a barrier as “anything that prevents a person with a disability from fully participating in all aspects of society.” Transit, both public and private, as it exists in Ontario today, is far from allowing people with disabilities full participation in our communities. As the Ontario Human Rights Commission has recently written, “Equal access by persons with disabilities” to public transportation “is a right protected under the Ontario Human Rights Code.” Equal access to transit services is not a reality for many citizens of the province, and despite its importance in our daily lives, barriers to public transit services remain.

**The Chair:** We have three minutes for each party. I'll start with the Liberals. Any questions?

**Mr. Ramal:** Thank you for your presentation and your recommendations.

I think I read something here about how Bill 118 won't be applied in the municipalities. Why do you have this concern about it?

**Mr. Brose:** Pardon?

**Mr. Ramal:** You mentioned that this bill only applied in a provincial jurisdiction and will be excluded in the municipalities. Why do you have this concern?

**Mr. Brose:** It's not excluded in municipalities, but since municipalities are in charge of delivery of most of the transit systems and transit services, things like funding of paratransit services, the province can tell Toronto to go ahead and make an accessible transit system. But if the municipality does not have the money—

**Mr. Ramal:** OK. You don't think the gas tax that we give the municipality will help the municipality to update their transit system, what they're trying to do across the province, which is part of our support for the transit system of this province, in order to revamp their fleet and within 20 years hopefully all of them will be accessible for disabled people?

**Mr. Brose:** It's certainly a help. I don't know if that would be the full answer. When downloading happened a decade ago, 75% of every bus was funded by the province. That was a huge amount of money for those transit authorities to depend upon. Now we've got a situation where paratransit services exist. Their service is fully accessible by the nature of what they do, but they aren't accessible in that it's really damned hard to get a ride, say, in Toronto on Wheel-Trans, and you certainly can't get it in a timely manner. Any one of you can put your finger in the air and get a cab immediately. Any one of you can go to a bus stop and expect a bus in 20 minutes. We who are dealing with paratransit services, for both of those situations, if we want a vehicle, we have to book a day in advance. A system that maintains that inequality is wrong.

**Mr. Ramal:** That's why I think the Minister of Citizenship and Immigration proposed Bill 118, to revamp the 2001 bill, which has no enforcement teeth to it. That's why we came up with Bill 118, in order to have an enforcement mechanism to apply in all sectors of our society.

**The Chair:** I think it was a statement, and I thank you. I'll go to the Conservatives, please.

**Mr. Jackson:** Mark, when I was working on Bill 125, transit was a particularly difficult one because we have a patchwork arrangement in the province. I remember a W5 show that was really powerful. It compared the city of Vancouver with the city of Toronto. You're smiling; you recognize the one. That was an amazing insight for me. So could I just get a short feedback from you, because I always ask this question whenever I meet people: If we had it to do over again, would you do a fully integrated transit system that some municipalities are doing, or would you do the stand-alone paratransit infrastructure that Toronto pioneered and worked with, or would you look at some balance in between? It doesn't have anything to do with this bill, but you did raise the question about not defining what constitutes good transit for disabled in the province as a standard.

**Mr. Brose:** I'm not sure if I'm answering your question, but I think that minimum standards should be brought to all municipalities in the province. As it stands now, it's so open to interpretation, and lack of budget allows authorities to give really poor service—lack of weekend service and very difficult times for paratransit service to be operating in.

I start smiling when you mention Vancouver, because Vancouver has had an accessible taxi running around on its streets for 10 years now. Toronto has accessible taxis, but none of us has ever seen them because they are all committed to service for Wheel-Trans. We don't actually get to phone for a cab.

1640

**Mr. Jackson:** I wanted to ask you another question about that. We were working with changing the regulation for rear-entry vans for making it pedestrian-accessible, low-cost access. We understand that those are still languishing in the minister's desk. But you fully support that kind of thinking out of the box in order to get more affordable taxi services—rear-entry is one—and to modify the standards to get that?

**Mr. Brose:** I did talk to some people about rear-entry and I had conflicting opinions come to me. Some people who use large mobility equipment see a difficulty in, say, getting off a curb from a rear-entry—

**Mr. Jackson:** Finally, the last question, in the interests of time: The current legislation that guides the province identifies transit as a priority and asks the accessibility advisory committee to set those standards for the government. We're now moving, under this legislation, to put all interests at the table—the manufacturers, the municipalities; everybody at the table—as opposed to just the government being held accountable to change those. Would you support an amendment to this bill that

says that from a certain day forward, only low-floor buses can be purchased by municipalities so that what limited dollars they do have only go toward low-floor buses? That's something Burlington, my community, did when I identified it and encouraged them to do it. It's something I couldn't get in the legislation, but I currently have an amendment in the House asking the government to do that. Would you support that kind of forward step immediately?

**Mr. Brose:** Absolutely. In relation to that, one of my points talks about different modes. Toronto is on the cusp of making renovations to their streetcars, which are all high-floor and completely inaccessible. They have the opportunity, in the next few years, to introduce low-floor as opposed to upgrading the existing non-accessible streetcars. Right now, the question is out there. We don't know what Toronto intends to do. Absolutely—all vehicles.

**Ms. Martel:** Thank you for being here today. On your page 2, you said, "We want to see Bill 118 speak directly to provincial/municipal as well as federal/provincial co-operation with the goal of ensuring a strong future for paratransit...." Can you tell the committee what you mean by that? What are some examples?

**Mr. Brose:** Specifically for provincial and municipal, I think about the situation of the GTA, which has a number of transit authorities covering the GTA. If you start a ride in a Wheel-Trans bus and go to somewhere outside the strict borders of Toronto, you get to that border and you have to get off the bus; you have to have a second booking; you have to wait; you get on another bus and you keep going. If the province talked to the municipalities and decided that it was OK for this Wheel-Trans bus to go to its ultimate destination and return, it would—the process, as it stands now, adds hours to every trip for someone who uses transit, and there's absolutely no need for that, that the Wheel-Trans bus must stop at the border. That's one example of how things could be improved.

**The Chair:** Thank you very much for coming.

**Mr. Jackson:** Mr Chair, just a quick request while the next group is setting up. The previous deputant raised a very good point about the federal government. I wonder if we could get a small research paper done for this committee. One of the problems is that for all federally regulated transit, Ontario has absolutely no jurisdiction whatsoever. As one person put it to me, "We can get paratransit to get me to the airport, but the minute I arrive at the airport, it's a federal jurisdiction and I'm lost." Is it possible to get some kind of comment or some research or something that helps us better understand? This deputant has raised a question about the relationship with the federal government, and that's not in our jurisdiction, yet there are some real problems there.

**The Chair:** You're asking for some material, and I think we're going to get it, hopefully as soon as possible.

**Ms Wynne:** Mr Chair, I don't actually understand the question Mr. Jackson is asking. What's the question that the research is to answer?

**Mr Jackson:** The question is a request for a certain amount of data that will identify for this committee those aspects of national transit and rail that our province has no jurisdiction over. I would like to make sure that every member of the committee understands that there's no sense talking about fixing CN Rail and those kinds of things if they're not—just to have a small briefing paper so that we understand the limitations we have. This is not a slight against the government. It's just a jurisdictional issue. I don't want to mislead deputants into thinking that we have the authority to go in that area, and I'm loath to say we don't until we've got something that confirms it. That's what I happen to believe from my time as minister, but I think it would be helpful to the committee to understand that. That's all I'm asking, for a little bit of information to share with the committee.

**The Chair:** Mr. Jackson, I believe it's understood. If there are no other questions, we'll move to the next presenter. That will come to us as soon as possible.

#### CANADIAN HEARING SOCIETY

**The Chair:** The next presentation is from the Canadian Hearing Society. If you are ready, please proceed, sir.

**Mr. Gary Malkowski (Interpretation):** Thank you, Mr Chair and committee members. I would like to introduce Sunshine Lezard, a George Brown College placement student interning with me. He's seated to my right. My name is Gary Malkowski. I'm the vice-president of consumer, government and corporate relations. I'm really pleased to participate in the standing committee and make my presentation. I have two documents that have been distributed to you. These are my briefing notes.

There's one thing, to remind you—the Americans with Disabilities Act required industries, government, and companies to incorporate captioning chips in their television sets, but the problem with the ADA, or the Americans with Disabilities Act, is that it does not require television programs to be captioned.

Another example is Bill 4 here in Ontario. It was passed, and recognized the acceptance of American Sign Language and Quebec Sign Language as languages of instruction in the classroom. That was back in 1993. Fifteen years later, though, it's still running without regulations. That never happened. When we talk about Bill 118, the Accessibility for Ontarians with Disabilities Act, one of the top issues has to do with employment. The issue, though, is that this does not require an expansion of accommodation opportunities. For example, the pool of available sign language interpreters: There's no regulation for that. Employers may say, "OK, great. You want me to provide interpreting services," but there's no regulation to expand the actual pool of interpreters available to employers who wish to provide the service. I'm here to assist you to close the gaps.

What we recommend is:

—Accessibility standards be developed by the year 2020. That's the goal. We're looking at 15 years to implement this, not 20.



—The establishment of ways to enforce the legislation by making amendments to include opportunities for low-budget and non-profit organizations or municipalities that have limited budgets to enforce the provision of services to consumers who are deaf, deafened and hard of hearing; compliance fines; accommodation resource development; quality assurance for accommodation service providers; to provide for anti-autism and anti-discrimination practices and education.

1650

There must be mandatory accommodation provision for offices for MPPs such as yourself, as well as for the Speaker's and the Clerk's office and the offices of agencies, boards and commissions. What's interesting is that as a former MPP myself, back between 1990 and 1995, TTYs were installed, and then when the PCs were voted into government, they removed TTYs from constituency offices. Therefore, these constituency offices were not accessible to the consumers who required them. I'm sure each of you doesn't have a TTY in your office, so I would strongly encourage you to become accessible to your deaf, deafened and hard-of-hearing constituents.

*Interjection.*

**Mr. Malkowski (Interpretation):** I know; it's about time.

**Mr. Jackson:** Five years I've been asking.

**Mr. Malkowski (Interpretation):** We need to strengthen provisions to ensure that any new legislation, including proposed government bills, research, private members' bills and resolutions, do not introduce new barriers and that they are fully compliant with Bill 118.

We need to establish a truly effective consultative and inclusive process for setting accommodation standards, to ensure that the disabled community, including deaf, deafened and hard-of-hearing people, have a voice when important legislation is introduced, and not just regulations of Bill 118. The amendments we're talking about have got to be included in the bill. Regulations can change very easily, depending on who the government of the day is, and they can be fairly weak. This kind of enforcement etc. has got to be in the bill, not just in the regulations, in the form of an amendment.

Bill 118 should require that barriers be removed from the Ontario public service, municipalities, constituency offices, MPP offices, and boards and commissions. For example, the Municipal Elections Act was silent about requiring accommodation for candidates who wish to run for municipal elections. It was voluntary. No accommodations were provided to volunteers who wished to participate in the campaign process. There was no requirement there. It was absent from the legislation. We need to ensure that this is included in Bill 118.

Look at our experiences with Bill 4. Even today, teachers of the deaf cannot teach deaf children who require American Sign Language or LSQ. They don't have the appropriate skills in American Sign Language. The provincial schools for the deaf and school boards have no standards in place that would require competency in American Sign Language by their teachers. Could you

imagine if you were a francophone and it is all right for someone who has taken a French 101 course to teach you within the French school system? I mean, that's not acceptable. The same applies to our experiences with many of our deaf children. They don't have access. There are no ASL courses available for the children. There is no LSQ regulation in Bill 4.

We are asking you that Bill 118 should include requirements to establish standards for the Ontario College of Teachers, provincial schools for the deaf and school boards. They've got to establish standards and competency in American Sign Language, which will provide access to information for deaf children. It's also a health and safety issue.

I know I don't have much time left. I'm going to jump down a little bit here.

I think it's important for Bill 118 to include specialized career support for deaf, deafened and hard-of-hearing high school and post-secondary students to ensure that they are eligible to receive career and employment services provided by the Canadian Hearing Society. Most colleges and universities have career and employment placement centres, but they are not accessible to our consumer groups. A nearly completed degree costs almost the same as a degree that is accomplished; however, the economic value for both the student and the province of Ontario is severely limited if someone doesn't graduate. So they need that kind of support in career placement. I think it would be a wise investment of resources.

Lastly, I'd like to speak to the pyramid that I have attached with my speaking notes. If you look at the bottom, the foundation: If you wish to help things to become accessible, if your goal is to encourage economic independence, accessibility is the foundation. Without access, you cannot have economic independence, and it will cost society in the long run. If you have accessibility, then you're looking at employment improvement, people going through the post-secondary setting, ultimately graduating and then being gainfully employed, which will ultimately better the province of Ontario.

I have a question, though, for the Liberal government, if I may. What is the budget line for this fiscal year and next year for the Accessibility for Ontarians with Disabilities Act and its implementation? What is your budget line for this?

**The Chair:** If there is no objection, I will have the Liberals answer the question.

**Mr. Ramal:** At the present time, we have no budget set for it. Whatever it takes to implement it, we're going to do it. So the money is not an issue. The issue is that when we establish the rules and regulations and standards of this bill, of course whatever it takes to do it, we are willing to provide the money needed for the implementation.

**The Chair:** Thank you. That takes care of the 15 minutes. Thank you again for your presentation.

**Mr. Jackson:** While they're setting up, I'd like to make a further request for some information from the Ministry of Community and Social Services regarding

access to deaf and deaf-blind client services for those receiving Ontario disability supports so that the community can better understand meeting the needs that have been referred to by this deputant.

**The Chair:** Is that directed to the ministry or to the clerk?

**Mr. Jackson:** Well, to the clerk to secure it from the ministry.

**The Chair:** His office will procure it.

1700

#### ENVIRONMENTAL HEALTH CLINIC

**The Chair:** We'll go to the next presentation, from the Environmental Health Clinic.

Thank you for coming, and you can start any time you're ready. There is 15 minutes in total for your presentation. If there is time left, there will be questions for either of the two of you.

**Dr. Lynn Marshall:** Thank you very much. I'd like to introduce Lynn Kaye, who is a lawyer who has been working with us at the Environmental Health Clinic on a research project looking at the legal needs of our patients. I'm Lynn Marshall. I'm a medical doctor. I'm the medical director of the Environmental Health Clinic.

We would like to express our appreciation for the opportunity to bring this information to this committee. We're encouraged by the government's stated intention of enforcing the creation of accessibility plans in the public and private sectors to end barriers that prevent Ontarians with disabilities from participating equally in society. We also express our thanks to the Ontarians with Disabilities Act Committee, whose extensive briefing notes have been of great assistance, and to ARCH for their excellent recommendations for improvement of Bill 118. We endorse their recommendations and adopt them as our own. They are in appendix A.

Furthermore, with respect to the accessibility standards committee, we recommend, in addition to fixed terms, that a system of overlapping appointments be introduced from a roster of people elected by stakeholder groups. It is important that the rule-making functions be transparent, with support for participation and public comment.

In addition, we believe it is crucial that this committee ensure that a smooth transition from the ODA to the AODA take place. Part XI of the bill does not reflect a planned transition or guarantee of continuous protection. This section could include amendments to other legislation and funding guarantees to support the participation of community groups.

Now I'd like to turn it over to Lynn Kaye.

**M<sup>me</sup> Lynn Kaye:** Les objectifs de notre présentation aujourd'hui sont les suivants :

(1) Vous informer des conditions potentiellement sévères des personnes handicapées vues à l'Environmental Health Clinic, programme provincial à Toronto.

(2) Décrire les barrières à la participation des personnes avec des maladies liées à l'environnement en

ce qui concerne la pauvreté, les symptômes, les attitudes et la qualité de l'air.

(3) Recommander à ce comité qu'il s'assure que les représentants et les représentantes des personnes avec les maladies liées à l'environnement soient inclus dans chaque étape de la mise en œuvre de cette loi pour assurer que les barrières qui les affectent sont adressées dans les plans d'accessibilité et, à la fin, sont terminées.

(4) Recommander que ce comité s'assure de l'harmonisation avec le Code des droits de la personne de l'Ontario.

**Dr. Marshall:** Thank you, Lynn.

I'm just going to tell you a little bit about the Environmental Health Clinic. It is situated at the Women's College Ambulatory Care Centre, part of Sunnybrook and Women's College Health Sciences Centre. It's a unique multidisciplinary clinic, academically affiliated with the University of Toronto. It was established in 1996 by the Ontario Ministry of Health and Long-Term Care to be a provincial resource in promoting environmental health and to improve health care for people with emerging environment-linked conditions, especially environmental sensitivities or intolerances, sometimes called multiple chemical sensitivities; myalgic encephalomyelitis or chronic fatigue syndrome; and fibromyalgia. Patients who come to this clinic may also have other, more common chronic environment-linked conditions such as allergies and asthma, and sometimes other conditions such as heavy metal toxicity etc.

I think it's important to note that there has been a huge increase in asthma prevalence, a fourfold increase over 20 years. The reasons have been unclear, although recent research is showing known links to environmental tobacco smoke, dust mites, cat dander, moulds and smog.

The prevalence of multiple chemical sensitivities, chronic fatigue syndrome and fibromyalgia has been thought to be quite small, but a Canadian community health survey found that actually from 0.8% to 1.8% have been diagnosed with these conditions. Diagnosis, however, is likely to be very low, considering the number of people who may be less affected by the conditions or who were not recognized. Some long-term and large prevalence surveys are actually showing prevalence rates of people who self-identify as being chemically sensitive as being between 16% and 33% of the population.

There is a variation in age, and this is very important as well.

One of the things that we've noticed at the Environmental Health Clinic and one of the reasons for the Environmental Health Clinic is that people with emerging diseases often suffer from an attitudinal barrier: a culture of disbelief. For example, asthma has been a poorly understood condition in the past, particularly with respect to mechanisms and causes. For example, for many years prior to improved lung function tests and electron microscopy, asthma was thought to be primarily caused by emotional dysfunction. Now it's recognized that while emotional stress plays a role, as it does with most conditions, exposure to environmental factors is key both in initiating asthma and in triggering attacks.



People with symptom patterns that are suggestive of these three main conditions we see at the clinic often have difficulty getting their conditions diagnosed because there are no consistently abnormal laboratory tests that would confirm a diagnosis. But now we do have published case criteria upon which international consensus has been reached for each of these conditions.

It's also sobering to consider that scientists are increasingly reporting that environmental toxins are affecting fertility and can damage our offspring. This is a source of disability in our children that can be stopped if adequate regulation and enforcement is legislated. Prevention is the highest manifestation of care for future generations. In the province of Quebec, legislation provides for the right of pregnant or breast-feeding workers to be reassigned without losing income. This can serve as a model for practical policies at work and in institutions elsewhere.

If people in institutions, public places and at home become aware of preventive policies and how to apply the precautionary principle in our daily lives, we can prevent exposure to toxins and the damage such exposure causes. Accessibility plans are an ideal vehicle to implement such preventive and forward-looking thinking and practices and to remove the barriers that prevent people disabled by environmental illness from participating in all segments and institutions of daily life.

**Ms. Kaye:** Environment-linked conditions: A first and most important requirement is that it be clear from the definition of "disability" in the AODA that persons disabled by environment-linked conditions and diseases are covered by the act. Although the AODA uses the same definition as the Ontario Human Rights Code in section 2, we have some concerns because the definition is narrow and it has been expanded by the Ontario Human Rights Commission, by case law and interpretation. This broad and liberal interpretation must be guaranteed in the AODA. We recommend that the definition of "disability" under the AODA and the Ontario Human Rights Code be harmonized to the current broad, liberal interpretation.

**Poverty:** We are concerned that when people are affected by non-evident disabilities, there seems to be a downward spiral into poverty because they often do not get income support. So we recommend: that related legislation be amended, as part of the enactment of the AODA, which would increase the ODSP pension to restore the loss of purchasing power; that indexation be introduced; and that eligibility requirements under the ODSP be amended to ensure that people with long-term chronic conditions and diseases, especially those that wax and wane, are included.

There is a need to protect the income of people who get relegated to part-time positions in order for them to continue to participate with their disabilities. They should be ensured full-time benefits using the Employment Standards Act and the Workplace Safety and Insurance Act.

A key provision would be supportive housing services, where smoke-free and scent-free units are part of an

integrated approach. It's really important that in any tenancy situation a person has the right to know the chemicals that are being used by landlords in hallways and for cleaning and insect control. These pesticides can be toxic and can have considerable adverse health effects.

**Secondly, symptoms:** Programs that increase awareness of barriers for persons with disabilities and validate persons with so-called non-evident or invisible disabilities should be specified as included items under any section that prescribes what accessibility plans must include. We recommend that such programs aim to increase understanding of conditions that wax and wane, and promote acceptance of limitations with dignity.

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The culture of disbelief that we've already referred to can be a significant attitudinal barrier for many persons afflicted with environment-linked conditions. We recommend that the standing committee on social policy promote education programs to increase awareness of the published consensus case criteria for multiple chemical sensitivities, chronic fatigue syndrome and fibromyalgia.

The third priority is indoor air quality. We recommend that the initial sectors designated be schools and hospitals. The substantial number of children affected by multiple chemical sensitivities is an indicator that a cleanup of contaminants in schools is essential if we are to preserve the health and well-being of our future citizens. We recommend that accessibility plans include ways of improving indoor air quality, such as scent-free policies and ventilation systems that bring in sufficient fresh air, and that leaks are immediately treated to prevent mould and fungi.

It's important for employers, landlords, health care facilities and public institutions to review building materials used in new construction or renovations to minimize off-gassing contaminants.

Attention needs to be focused on the timing of painting and renovations, replacement of carpets, choice of flooring or carpets, and care of the ventilation system. The best plans include the right to know, and this includes posting of information so that affected persons can avoid exposure. The technology is there today to do waxing and cleaning and all levels of maintenance with non-toxic chemicals.

Accessibility plans should be defined in the act to include the requirement to survey practices to identify use of highly toxic substances and find alternatives. They should include the requirement to improve ventilation systems and avoid inhalation exposures. They should include a mandatory listing of off-gassing materials and a search for the least toxic alternatives.

There is a potential for great cost savings with proper design and prevention. All renovation and maintenance plans should be reviewed from the point of view of immediate health consequences and health problems in the future. Saving costs by allowing contamination in the present can result in a higher price paid in the future; for example, in medical costs. Saving costs by allowing contamination in the present, believing that those in the future can pay the price, is unfair.

We'd also like to comment that since the ODA will coexist—it's unclear about how the timelines are being coordinated—we recommend that the generic guide for completing the ODA accessibility plans, published by the disabilities directorate, be amended to reflect the broad, general interpretation of the definition of disability, which is in effect under the Ontario Human Rights Act through case law and interpretation, and that examples include cases of chronic fatigue, fibromyalgia and multiple chemical sensitivities.

**Dr. Marshall:** In conclusion, we would like to recommend that the committee make certain that people with multiple chemical sensitivity and other environment-linked conditions, often overlapping, such as chronic fatigue syndrome, fibromyalgia, allergies and asthma, are represented on all accessibility advisory committees under the Accessibility for Ontarians with Disabilities Act, 2004. We also recommend that barriers for persons with these conditions be identified and that plans for their removal be included in accessibility plans, with special attention being given to access to income support, flexibility in work hours, educational programs about non-evident disabilities, improvement of indoor air quality and regulation of pesticide use both indoors and out. We recommend that accessibility standards be dynamic living plans that can be adjusted and inclusive as new, emerging conditions are identified. We recommend that the rule-making function be transparent and inclusive, and open to community input.

We have enclosed some references for your interest. We have enclosed our list of recommendations in summary following that, as well as the recommendations of ARCH and an outline of the Ontario Human Rights Commission's views.

**Ms. Kaye:** There is one final thing I would like to add. We're very concerned that the infrastructure of what goes forward is responsive to leadership in the community. Token representation on advisory committees will not satisfy what's really needed to make this work. That's why we recommended elected representation from people in the community. The Ontario securities' model has a very intensive rule-making model for formal rules. It goes out to its community, and there are posted replies and comments—an opportunity for people to comment on what other participants are saying. It's a highly interactive model, and something that could be looked at for an ongoing living plan.

**The Chair:** Thank you for your presentation. There is no time for questions.

#### FAMILY SERVICE ASSOCIATION OF TORONTO

**The Chair:** The next presentation will be the Family Service Association of Toronto. You have 15 minutes in total for your presentation and for questions, as you please.

**Mr. Yves Savoie:** Thank you, Mr Chair. My name is Yves Savoie. I'm the executive director of the Family

Service Association of Toronto, and I'm here with my colleague Peter Park. We're very pleased to have an opportunity to comment on Bill 118, the Accessibility for Ontarians with Disabilities Act, 2004.

For 90 years now, the Family Service Association of Toronto has been assisting families and individuals through counselling, community development, advocacy and public education programs. We have a special interest and commitment to working with people with intellectual disabilities through the work of our Options program. Our community resource facilitators collaborate with individuals who are labelled intellectually disabled to enhance their skills and capacities, find opportunities and break down barriers to full participation in everyday life in our community.

At FSA, we begin with the belief that everyone belongs to the community, not by qualification but by right. We approach our work from an anti-oppression framework perspective, and we advocate and work for a paradigm shift from client to citizen.

**The Chair:** Excuse me, sir. Could you please slow down a little, so that everybody is able to appreciate your presentation?

**Mr. Savoie:** We believe that citizens have rights and responsibilities and that the system, not the individual, needs to be fixed. Our work is focused on helping the community be welcoming, inclusive and supportive of the aspirations of all its members. We view individuals with intellectual disabilities as equity seekers.

In this context, we want to applaud the Ontario government for the leadership you have taken in reopening the law that was just passed three years ago and responding to the public outcry regarding its deficiencies by introducing this new bill. Bill 118 represents a vast improvement, in our minds, over the legislation currently in force.

We are particularly pleased with the fact that the bill applies to the private sector. It affects both public and private sector organizations, and they will be required by law to develop, implement and enforce accessibility standards. We thought it was important for you to hear that at FSA we will be subject to the act, and we welcome that. We know that government regulation is needed because relying on voluntary action has not been effective. People with disabilities still face massive unemployment rates and systematic exclusion from education, public transit and many other components of life in the community.

We are pleased, too, to see that Ontarians with disabilities will have a role to play in the rolling out of this process. However, we have some specific concerns where we would like to see Bill 118 strengthened.

**Mr. Peter Park:** My name is Peter Park. I have been labelled as having an intellectual disability. I have worked tirelessly for many years on behalf of people with intellectual disabilities.

Our first recommendation is to ensure that, in its implementation, the law has broad implications for Ontarians with all kinds of disabilities. In the bill, the



definition of disability is encompassing, yet I believe we will need to work hard to make sure that people with intellectual disabilities can take full part in developing and implementing the accessibility standards.

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Bill 118 brings appropriate attention and focus to the physical barriers which people with physical disabilities face on a day-to-day basis. We suggest that the bill also needs to focus on the invisible barriers which people with intellectual disabilities have to surmount every day. For example, according to the Roehrer Institute, only about 38% of people with intellectual disabilities are employed. In the general population, the employment rate is 76%. That's from Statistics Canada. We face barriers in attending mainstream schools. We face transportation barriers getting around on the public transit system. For example, it's difficult to get instructions on the subway at rush hour if you have a speech impairment and the official won't talk to you.

Bill 118 establishes a process to set standards to remove barriers, but the bill does not state what the desired outcomes of removing those barriers are. How can we measure the effectiveness of removing a barrier if we don't define what we are trying to achieve by that?

For example, the bill states that the purpose is to "achieve accessibility for Ontarians with disabilities with respect to goods, services, facilities, occupancy of accommodation, employment [etc.]... on or before January 1, 2025."

Then, to measure if the bill is effective in achieving accessibility, it needs to define a desired outcome. For example, an outcome could be reducing the unemployment rate for people with intellectual disabilities to 15%.

We also want to ensure that people who experience different kinds of disability are able to participate in the process of standards development. Often, government systems are designed to deal with people whose disability is permanent. People with living HIV and AIDS experience periods of low energy, and they may experience recurrent periods of reduced functioning. We want to ensure that they too can play a meaningful role in developing the accessibility standards. And we want to ensure that an inclusive Ontario is an Ontario that also welcomes people who experience disability as something that is dynamic, recurrent or episodic.

**Mr. Savoie:** Our second recommendation focuses on the need to ensure that the process for developing the standards will be designed to ensure that the input of citizens, and in particular people with disabilities, is meaningful. We invite you to consider whether the involvement of people and citizens in defining these standards should be at arm's length from government. At the minimum, we believe there should be an arm's-length review of this process to report annually on progress and to ensure that the work to make Ontario inclusive is on track.

Our third recommendation deals with enforcement. Once the bill becomes law and is implemented, it will not make a difference in the lives of people with physical and

intellectual disabilities unless the accessibility standards are enforced. We urge the ministry to commit to hiring inspectors, allocating funds to this function, and ensuring through penalties, as the act provides for, that the accessibility standards are met.

Our comments in this regard are based on our disappointing experience in the education sector. Colleagues have worked for the past 20 years to achieve inclusion of children with intellectual disabilities in the public school system, yet students with intellectual disabilities continue to face systemic and attitudinal barriers to exercising their legislated right under regulation 181 of the Education Act to be included in regular, age-appropriate classrooms in their neighbourhood schools. We believe that if this standard were strictly enforced, many of the issues which our counsellors face in their work with adults labelled with an intellectual disability, be they issues of isolation, poor mental health, attitudinal barriers or lack of participation, would disappear.

**Mr. Park:** Our fourth and final recommendation is a broad one. We challenge the government to think more broadly than Bill 118 in order to achieve a truly inclusive Ontario. Bill 118 is a good first step, but implementing it will not mean that Ontario will have achieved full inclusion for all people with disabilities.

The bill deals with public spaces to ensure accessibility. It does not address private spaces, nor does it speak to the very critical need for home care supports for people with disabilities living in their own homes. It does not address the detailed strategies that must be put in place to ensure access to the labour market, enforcement of standards, incentives, on-the-job training, apprenticeships, and the broad range of issues that touch on accessibility to post-secondary education. These would begin to change our unemployment situation.

The bill does not address the need for additional government funding to support the specialized services needed by people with disabilities. At the Family Service Association of Toronto, we deliver many services which are funded by the provincial government, yet we have had to turn away clients with disabilities where we cannot provide the appropriate supports. For example, there are people who are hearing impaired who come to the Family Service Association for services, but while we receive government funding for many programs, all of those programs don't bring with them the additional funding required to deliver services through American sign language interpreters.

For a truly inclusive society, the government of Ontario must ensure that all services it delivers through transfer payment agencies are contracted in a way that brings both the resources and the flexibility to serve people with disabilities. We work from the knowledge and belief that people with disabilities are citizens on equal terms with all of us, and they have both rights and responsibilities. We urge the government of Ontario to apply that test in the delivery of its broad range of programs and services to all citizens.

The Minister of Community and Social Services recently announced a review of the developmental

services in Ontario and accelerated the date of the closure of the last remaining residential institutions in our province. This is a brilliant opportunity to take a big leap and move away from that institutional model of services that places the provider at the centre. We need to move to a system where the citizen is at the centre and the system adapts to his or her realities. Individualized funding shifts the power and control to the citizen. This is the only way that we will build a truly inclusive Ontario.

Thank you. Do you have any questions of us?

**The Chair:** Thank you for your presentation. There is only time for one question. I'll ask Ms. Martel if she has a question.

**Ms. Martel:** Yes, I do.

Thank you very much for participating today. Earlier today, I raised the possibility with the minister that funding be provided to members of the standards development committees so that they could participate: funding in terms of remuneration to replace salaries, to pay for support workers, to pay for child care, etc., so they can fully participate. What do you think of that proposal?

**Mr. Savoie:** I would say that that proposal would be very welcome and important. Just as an example, we do, at FSA, in our own work with volunteers in committees and in consultations, extend those types of supports to make sure we can have meaningful participation. I think that if you want to really reflect the range of views, those types of supports will need to be in place. I would commend you for engaging the minister in that conversation.

**The Chair:** Thank you for your presentation.

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## ETHNO-RACIAL PEOPLE WITH DISABILITIES COALITION OF ONTARIO

**The Chair:** Next will be the Ethno-Racial People with Disabilities Coalition of Ontario.

You will have 15 minutes for your presentation. If there is any time left, we'll allow questions from the three parties. When you speak, please speak as slowly as you can so that everybody will be able to appreciate it. Thank you. You can start at any time.

**Mrs. Rafia Haniff-Cleofas:** Good afternoon. My name is Rafia Haniff-Cleofas. I'm the co-chair of ERDCO, the Ethno-Racial People with Disabilities Coalition of Ontario. Presenting with me is Bill McQueen. He is the other co-chair of ERDCO. We are very happy to be here.

We will skip some of the introductory remarks because we know it's late in the day. We want to get your attention; we want to get your questions too.

ERDCO's goal is to build inclusive communities by promoting access for people with disabilities and cultural awareness. It is a consumer-controlled organization committed to promoting the voice of ethno-racial people with disabilities in all aspects of society. It works within an anti-racist framework based on the conviction that people

with disabilities want to be respected, live with dignity and enjoy full participation and citizenship.

Bill will continue.

**Mr. Bill McQueen:** ERDCO is highly supportive of Bill 118. It is a significant improvement over the existing ODA because it covers all sectors of the economy, including the private sector. It will improve access to employment, customer service, communications and transportation. It will allow for the setting of accessibility standards to remove barriers and achieve full inclusion. It will also enforce timelines for compliance. As well, Bill 118 will give people with disabilities the opportunity to participate in the implementation of this legislation.

However, ERDCO has identified several issues and concerns that, if addressed, will be more inclusive of all people with disabilities and will improve the effectiveness of the proposed AODA.

**Mrs. Haniff-Cleofas:** I'll now identify the areas of concern.

The first one we have is that the intersectionality of disability is not addressed in Bill 118. Ethno-racial people with disabilities face many barriers that prevent their full and active participation in society. They face discrimination because they have a disability, in addition to being people of colour for whom racism, language barriers and other systemic obstacles interact to limit their full participation. "Intersectionality of disability" refers to an inclusive approach to multiple identities experienced by an individual, such as their race, gender, ethnicity, age, religion etc. ERDCO values the diversity and uniqueness of all people with disabilities and believes in addressing the needs, concerns and issues of the entire person, not only their disability. In Bill 118, there is no acknowledgement of the intersectionality of disability and how this affects an individual with a disability, their experiences of discrimination, and the barriers they encounter.

The personal experiences of people with disabilities are informed by and subject to one's race, ethnicity, age, gender, sexual orientation, class and other personal characteristics, in conjunction with disability. Therefore, issues of access to services are more complex for ethno-racial people with disabilities. In addition to the many barriers faced by people with disabilities generally, ethno-racial people with disabilities face additional barriers of language, culture and race in accessing services.

ERDCO acknowledges and addresses the multi-layered, complex and systemic nature of oppression, racism and ableism. ERDCO started out of an experience of an ethno-racial woman with a disability who experienced just this, and this example demonstrates our point about the intersectionality of disability. She lost her job after complaining of being sexually harassed and discriminated against due to her disability and religion. She went to different service providers, who labelled her experience as either a race issue, a gender issue, a disability issue or a labour issue, and who sent her on a roller coaster ride because they did not understand the multiple layers of barriers.



People with disabilities come from all walks of life. In recognition of this reality, ERDCO advocates for a holistic, or intersectional, approach toward service provision and community involvement. Disability, like many other aspects of a person's identity, is socially and culturally constructed. ERDCO therefore believes that a more complex and multifaceted approach to disability rights and human rights is needed and should be reflected in Bill 118. A holistic approach to individuals emphasizes society's response to an individual rather than the personal characteristics of that person. This approach recognizes that individuals have multiple identities that shape their experience of discrimination, and it acknowledges the complexity and uniqueness of individual experiences of discrimination. We also want to acknowledge that we see this legislation as anti-discrimination legislation. Therefore, we recommend that Bill 118 incorporate an intersectional approach to disability.

The second area of concern we'd like to address is that barriers must incorporate a cross-disability perspective. For this bill to achieve its goal, it must effectively address all kinds of barriers facing persons with all kinds of disabilities. Although the bill's definitions of "disability" and "barrier" appear sufficiently broad, there seems to be an emphasis on barriers in the built environment. Barriers take many forms and are experienced differently by persons with a wide range of disabilities. A proactive commitment to address all barriers fully, with a cross-disability understanding, is essential to the AODA's success. ERDCO shares the concern that it may be easier to identify and deal with some barriers than others. A concerted effort is needed, particularly with respect to attitudinal barriers and communication barriers.

I just want to relate to you the story of Maria from my personal experience. As part of a leadership project within the disability community, I was asked to be a mentor for Maria. Maria is an immigrant who is deaf-blind. She needs an intervener to communicate. Interveners are the eyes and ears of people who are deaf and blind. Maria does not get any kind of government funding for interveners. One of the main obstacles to accessing services in the community is related to the unavailability of sufficient intervention services. Due to this shortage of interveners, we were unable to meet and interact like the other participants in the project. The end result: Maria missed out on an excellent opportunity to benefit from a mentor and develop her leadership skills. Therefore, we are recommending that a concerted effort is needed, particularly with respect to attitudinal barriers and communication barriers.

I'll now turn it over to Bill.

**Mr. McQueen:** Our third point is that 20 years as a timeline for achieving full accessibility in Ontario is too long. We are concerned with this timeline for achieving full accessibility in Ontario for persons with disabilities. We recognize that the task of making Ontario fully barrier-free for all persons with disabilities is a major undertaking and will not happen overnight. However, we

would like to see the 20-year period reduced to 15 years. Some measures can be implemented quickly; others will take longer. It is essential that as much as possible be accomplished as soon as possible, in the first decade of the AODA's life. Therefore, we recommend that the accessibility standards be fully developed by 2020.

The bill does not provide a mechanism for a member of the public to raise concerns about the implementation or enforcement of the AODA through a formal complaints process, nor does it have a complaints system whereby persons affected can complain and have their concern adjudicated. It contains no independent review mechanism permitting persons with disabilities to complain about failures to comply with the AODA or the accessibility standards. We feel that a complaints mechanism will complement the AODA in reaching its goal of full accessibility in Ontario by 2020.

**1740**

Presumably, complaints by persons with disabilities may still be brought under the Human Rights Code. However, there is no clear indication within Bill 118 that this is the protocol that could or should be taken or that there will be a process by which one may file a grievance under the existing legislation.

We all know of the lengthy process with the OHRC. We know that this is not working for us.

We know of one case in regard to access at the Ontario College of Art that took over 10 years to be heard by the OHRC. This isn't acceptable, so we would suggest a two-year maximum period to hear the case and a five-year cap for filing the claim.

We recommend that Bill 118 incorporate a complaint mechanism whereby persons affected can complain and have their concerns adjudicated.

Participation of people with disabilities on the standards development committee is outlined here in our recommendations.

We recommend that financial support for individuals and the organizations that are supporting their contributions must be clarified at the outset. This support should be established in the text of Bill 118.

Shorten implementation stages from five-year to three-year stages for standards development and appointments: ERDCO believes that the target dates of five years set by the standards development committee for each stage is too long. We recommend that each stage of the process be reduced from five years to three years.

We recommend that the terms for those appointed to the committee should be the same length as the stages of development of the proposed standards.

We've also submitted some appendices, which we will give you a bit later, in printed form. We've submitted a video which we produced a year or two ago on the experience of one of our members, who participated in ERDCO's founding 11 years ago.

We'd invite any questions. There are a few minutes left.

**The Chair:** There are two minutes. We'll allow the PCs to ask questions first, and then the NDP.

**Mr. Jackson:** Really?

**The Chair:** I jumped the last time, because both parties had asked one question and the NDP hadn't. That's why I went there. So I'll go back to the PCs, if it's OK—a minute.

**Mr. Jackson:** First of all, thank you for your presentation.

Had you given much consideration to how the bill might incorporate a complaints and an enforcement section? Right now, the bill suggests that a civil servant, known as the director, would be responsible for dealing with non-compliance. That's the only area where it's dealt with. Did you see some sort of structure or a committee? Some people have come forward and said things like the Ontario Securities Commission profile. Have you given some thought as to how that might work?

**Mr. McQueen:** My own reaction is that it is really notorious in the disability community. I emphasize that it's notorious how long it takes for a complaint to be processed. We would be willing to discuss what sort of complaints process might be viable, but the primary complaint is—and that's the reason we say it needs to be heard within two years. It cannot be carried on as it is in the human rights commission.

**Ms. Martel:** Thank you for being here today. You mentioned that you support ARCH's brief. ARCH said very clearly that the purpose of the act should very clearly state that this is anti-discrimination legislation. I'd like to ask why you think it would be important for that to be right in the purpose clause, because it isn't now.

**Mrs. Haniff-Cleofas:** Because it addresses a systemic issue that we face as people with disabilities. It is anti-discriminatory, so we should call it that. It would make the bill more inclusive of all people with disabilities.

**The Chair:** Thank you very much for your presentation.

#### YORK, SOUTH SIMCOE TRAINING AND ADJUSTMENT BOARD

**The Chair:** The last presentation for the evening is from the York, South Simcoe Training and Adjustment Board.

Sir, you will also have 15 minutes. If there's time for questions, we'll start with the Liberals. Please, when you speak, speak slowly, if you can, so that everybody will be able to appreciate your presentation.

**Mr. Gerald Fox:** I'll do my best. Thank you, Chair, and good afternoon, committee members. My name is Gerald Fox. I'm a volunteer director of York, South Simcoe Training and Adjustment Board, a not-for-profit group that monitors labour market issues in south Simcoe county and throughout York region.

My particular concern is in promoting the interests of persons with disabilities, insofar as they relate to seeking, obtaining and maintaining employment. What follows are my own personal views.

When Bill 118 was first announced, I was struck by the emphasis being placed by the media on the removal

of physical barriers preventing access to restaurants and retail businesses. It seemed to me that very little attention was being paid to the attitudinal barriers that cause so many persons with disabilities to remain unemployed or, what is even worse, remain outside of the workforce all together. So I thought I might come here today and tell you about attitudinal barriers.

My take is that Bill 118 is about process. The real power in this bill is going to be found in the regulations once the standards development committees have done their jobs. I'd like you to consider the likely makeup of these standards development committees. The way I see it, business, labour, persons with disabilities and government are the principal actors. My principal concern is with the relative disparity of resources for persons with disabilities on these standards development committees. Given the long history of marginalization of persons with disabilities, there can be no doubt that persons with disabilities will be at a distinct disadvantage in commissioning studies and paying for expert advice. They simply won't have the funds.

So what will help? I say that openness will help, and I'll give you an example. In preparing for today's appearance, I e-mailed the accessibility directorate. You can see the message in my written submission. I asked for the opportunity to review any background papers that might have been prepared in connection with the bill. To my great surprise, I received the response—and you have it before you—“Any background materials that may have been prepared regarding Bill 118 are for internal ministry use only.” Personally, I don't call that openness. It causes me to ask, what is there to hide? Taxpayers have paid for these materials; why can't taxpayers see them?

My recommendation, then, is that whenever this committee comes to a point in its deliberations—and I'm sure there will be many such points—where it has the opportunity to require government to lay its cards on the table, to be transparent—we've heard that word before, earlier today—then this committee should do it. Please remember the disparity of resources—especially between government and persons with disabilities—and go for openness every time. Lack of openness is an attitudinal barrier. Thank you.

**The Chair:** Thank you for your presentation. We have 10 minutes, and we'll start with Mr. Ramal.

**Mr. Ramal:** Thank you for your presentation. I just have a couple of questions for you. You talk about attitudinal barriers and also about openness. You said that Bill 118 wasn't available for you when you asked for it. As a matter of fact, it was publicly open on the government Web site and had been discussed in the Legislature for a length of time. We have nothing to hide; actually, we're proud of it and talk about it whenever we get a chance.

1750

**Mr. Fox:** I'm not talking about Bill 118. I've easily downloaded a copy of the bill. It's the background papers. I'd like to know where the government is coming from in connection with this bill. I'm certain that docu-



ments exist. For the life of me, I don't understand why those documents wouldn't be available to taxpayers.

**Mr. Ramal:** What exactly would you want: the whole background information of Bill 118?

**Mr. Fox:** When you think about reports of the Ontario Law Reform Commission, for instance, where they laid out their thinking into legislation, that was in the cards. You could easily obtain that sort of information. You simply went to a law library, for instance, and asked for a report of the Ontario Law Reform Commission. As I said, I asked in a polite fashion if I could have such material, but they told me it was for internal purposes only.

**The Chair:** I believe Ms. Wynne has a question.

**Ms. Wynne:** Yes. You're with the training board in South Simcoe; is that right?

**Mr. Fox:** South Simcoe county, and York region is the area that we cover.

**Ms. Wynne:** I wanted to get your take on the bill. I know you were dealing with some of the openness issues, but I wanted to ask you in general, given the way the staff put it this morning, that we're moving from a regime of planning to a regime of standards, if you think that's a good thing. What we're trying to do in this bill is set standards for which there will then be enforcement mechanisms and penalties if they're not implemented. Do you think that's a good thing? Do you think the direction we're going in is a positive one?

**Mr. Fox:** I think it's just fine. I shouldn't say 100% fine; I'm sure there'll be some tinkering and some fine-tuning. But as it stands, yes, I do think that is the direction to go in.

**Ms. Wynne:** So you're in general agreement with what the bill is setting out?

**Mr. Fox:** Absolutely.

**Ms. Wynne:** Terrific. Thank you.

**The Chair:** Mr. Jackson, three minutes.

**Mr. Jackson:** Gerald, thank you for your presentation. I concur with your concerns. In fact, on November 19, I filed a request under the Freedom of Information and Protection of Privacy Act. I asked for the following: a copy of ministry cost projections with respect to Bill 118, including but not limited to MB20 proposals from the ministry; staffing projection costs etc., including but not limited to ministry costs; the costs of setting up the tribunal; the expected annual cost of inspectors and so forth. Secondly, I asked for the projected and/or forecasting models that indicate the cost of implementing the provisions of Bill 118, including but not limited to the Ontario government, the private sector, the broader public sector and any other sector which may not have been mentioned above, inclusion of any ministry examples of what these costs incurred might in fact be. I asked a further question about polling and the amount of money the government was spending on polling in this department.

The bottom line is that the ministry refuses to provide this, even for us as MPPs, so you weren't personally slighted by the lack of information and the abrupt response by the government. They're treating all of us

the same way. But it's difficult. As the former minister, my responsibility was to do commission reports and to do cost projections. We were not allowed to present anything to cabinet unless we had cost projections. So we do know they exist. We know what they were under the old bill, and we should know what they are in the new bill. I want to thank you for specifically coming forward today to make that request, so that we'll understand just what the expectations for government are in implementing regulations that we won't see until years after this bill is passed.

**Mr. Fox:** That's gratifying to hear. Thank you.

**Ms. Martel:** Thank you for coming today. You said you were concerned that people with disabilities are marginalized, and they are; many financially, for example. They would have a distinct disadvantage if they were asked, for example, to do research on some of the standards development committees. My concern is not even their being asked to do research but their being able to come and sit at the table, especially if the development of some of these standards can go from three to five years, which is the projection in the bill. I don't think that people with disabilities are going to be able to participate fully in these committees without some financial support. They won't be able to afford to.

Furthermore, for any of them who need supports to be able to participate—whether those be support workers etc.—if those costs aren't covered, how are they going to be at the table? I'm wondering if you have any sense of what we should be doing. Should we be covering, for example, the costs—looking at both remuneration and costs for devices, or for assistance to allow people to participate—in order to be sure the standards development committees do have people with disabilities represented and that they can participate fully over the life of the development of those standards?

**Mr. Fox:** There is no doubt in my mind that some sort of allowance should be in place for this. You simply will not get the input from persons with disabilities, persons like myself, who have to travel from Newmarket. I don't drive, I'm not talking about transportation issues, but it's time-consuming and it's relatively expensive, if you're not working, to travel a distance to come, for instance, to Toronto to a hearing like this. Those people who will be on these committees are going to have to meet many, many times, and it's going to be a financial burden to persons with disabilities. Regardless of whether they're working or not, it'll be a burden, but to those who are not working it'll be a substantial burden.

**The Chair:** Thank you, Mr. Fox.

That will end the proceedings for the day. We will adjourn until tomorrow at 9 a.m. Before we adjourn, yes?

**Mr. Ramal:** Can I just talk about some information that we cannot release as the ministry due to the freedom-of-information act, FIPPA? That's why the secrecy. We cannot reveal all the names. Sometimes it can include names and all this stuff; that's why. But as a matter of fact—

**Mr. Jackson:** That's not factually correct.

**The Chair:** Excuse me. I will allow you, Mr. Jackson, to correct, if you don't mind. Can you please proceed?

**Mr. Ramal:** That's why we are open, we are travelling the province, and we wanted to have more than six days of hearings. We wanted to have eight and nine, but the other members opposed that. That's why we're talking about openness and sharing of information, to establish and conduct more information on how we can deal with the accessibility bill in the future.

**The Chair:** Mr. Ramal, thank you. I will allow Mr. Jackson, if there is a correction to be made, and then we'll adjourn the meeting.

**Mr. Jackson:** I'd like to correct—

**The Chair:** It was a lovely meeting; let's finish properly. Thank you.

**Mr. Jackson:** Then it shouldn't leave on a note that misleads either the public watching here today—

**The Chair:** Mr. Jackson, just go ahead.

**Mr. Jackson:** I will get to the point. I'll take exactly the same amount of time as Mr. Ramal. The fact of the matter is that an FOI request was not denied because of

personalities and protecting people's names; it was a trick used by the government to deny access to costing because they said it's a matter before cabinet. Having been a member of the Privy Council, as has Ms. Martel, I can tell you that there are a lot of documents, the costing projections, which should have been made public. They're not. We're going to appeal that, and we will get them, and we will prove, as we have on several other occasions with this government, that they're unnecessarily withholding information. But we're not protecting people's names, by any stretch of the imagination. The gentleman asked for some simple information and was told that they cannot provide it. That was a directive, a political directive.

**The Chair:** Thank you, Mr. Jackson.

Can I at this time adjourn the meeting until tomorrow morning at 9. I thank you all. Could the members wait for a moment? There is an update I will have to provide for tomorrow. Thank you, everyone.

*The committee adjourned at 1800.*









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# Official Report of Debates (Hansard)

Tuesday 1 February 2005

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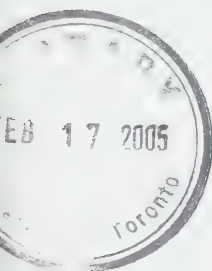
Mardi 1<sup>er</sup> février 2005

**Standing committee on  
social policy**

Accessibility for Ontarians with  
Disabilities Act, 2005

**Comité permanent de  
la politique sociale**

Loi de 2005 sur l'accessibilité  
pour les personnes handicapées  
de l'Ontario



Chair: Mario G. Racco  
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## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
SOCIAL POLICYCOMITÉ PERMANENT DE  
LA POLITIQUE SOCIALE

Tuesday 1 February 2005

Mardi 1<sup>er</sup> février 2005*The committee met at 0902 in committee room 1.*ACCESSIBILITY FOR ONTARIANS WITH  
DISABILITIES ACT, 2005LOI DE 2005 SUR L'ACCESSIBILITÉ  
POUR LES PERSONNES HANDICAPÉES  
DE L'ONTARIO

Consideration of Bill 118, An Act respecting the development, implementation and enforcement of standards relating to accessibility with respect to goods, services, facilities, employment, accommodation, buildings and all other things specified in the Act for persons with disabilities / Projet de loi 118, Loi traitant de l'élaboration, de la mise en oeuvre et de l'application de normes concernant l'accessibilité pour les personnes handicapées en ce qui concerne les biens, les services, les installations, l'emploi, le logement, les bâtiments et toutes les autres choses qu'elle précise.

**The Chair (Mr. Mario G. Racco):** Good morning, all. It's 9 o'clock and we have a busy schedule, so if you don't mind, I'd like to start quickly. I want to welcome you to the second day of public hearings of the standing committee on social policy on the Accessibility for Ontarians with Disabilities Act.

Before we start, I would like to point out several features that we hope will help to improve accessibility for those who are participating in and attending these hearings. In addition to our usual French-language interpretation, we have added services for these hearings. Closed captioning is being provided for each day of the hearings. Sign language interpreters are present for each day of the hearings, and I would like to welcome today Penny Shincariol, Gus Mancini and Maureen Byrne. There are also two support services attendants available to provide assistance to anyone who wishes it. Today I would like to welcome Jackie Hudson and Assis Sayed. Are they not present yet?

**The Clerk of the Committee (Ms. Anne Stokes):** I've seen them. They must be out in the hallway.

**The Chair:** OK. Two of them were here yesterday and two of are here today, so if anybody needs them, they are normally at the back of the room.

The hearings today in Toronto are being broadcast live on the parliamentary channel, available on cable TV. Also, for the first time, these hearings are being Web-cast live on the Legislative Assembly Web site at

www.ontla.on.ca. Our other hearings will be a delayed broadcast and Web-cast. Niagara Falls will be available on Friday, February 4; London on Saturday, February 5; Thunder Bay on Wednesday, February 9; and Ottawa will be shown on Thursday, February 10.

We welcome you all to these public hearings, and we can proceed with the first order of business.

## ONTARIO FEDERATION OF LABOUR

**The Chair:** I want to welcome the Ontario Federation of Labour. You're already there, so would you please start whenever you're ready.

**Ms. Irene Harris:** Thank you, Mr. Racco, very much. I just want to introduce us. My name is Irene Harris. I'm the executive vice-president at the Ontario Federation of Labour. With me is Sharon Hambleton, who is our vice-president for the disabilities caucus. Rather than read our brief out, we've got a short presentation that we're going to make now, and Sharon will be starting it off.

**Ms. Sharon Hambleton:** Our commitment to full accessibility and rights for Ontarians with disabilities stems from a number of factors: (1) our members who have been injured at work, many of whom face difficulties in attempting to re-enter their workplaces; (2) our members who now or in the future may find themselves with some form of disability that will require modification to the work and/or community environment; (3) persons injured in the workplace due to the increased pace of production; (4) persons with disabilities who have not been in the paid workforce because of a lack of accommodation and/or discrimination against hiring persons with disabilities; and (5) persons who will need to rely on strong legislation in the future because disability numbers will increase as our population ages.

The need for strong legislation: This is critical legislation that is long overdue. People with disabilities have been denied rights for decades and have been barred from achieving their full potential. There are approximately 1.5 million Ontarians with a disability, or about 13% of the population. By 2025, this number will increase to 20% of the population, or three million people. We must keep these statistics front and centre throughout our deliberations and the implementation process. They serve to emphasize the huge number of people who are depending on strong legislation that has a real capacity to change the status quo.

We're looking for legislation to give real measures of relief and real opportunities, not half-hearted ones. Although we are pleased with the application of the bill to both the public and private sectors, we are nevertheless concerned that overall it will not achieve its important objectives if key changes are not made.

Unions must play a central role in this. Unions bring unmatched expertise in workplace issues, as well as important insights and decades-long commitment to disability and accessibility issues. We have extensive experience in dealing with return-to-work and modified-work issues and in developing workplace accommodations that are often required by injured workers. We are also experienced in a range of human rights issues that affect members in the workplace. For these reasons, the proposed legislation needs to be amended to allow for the proactive and formal involvement of unions at every stage.

We have made several recommendations that speak to this concern in our written submission. We are urging the government to compel us and employers to begin this process immediately by implementing a parallel process to the Pay Equity Act, 1987, passed by the David Peterson government. This is one key to the success of the legislation. Our amendments would require every union and employer to bargain accessibility plans. These plans would identify barriers in the workplace that deny access to persons with disabilities. The plans would set out measures to remove these barriers on a timely basis. In workplaces where there is no union, the employer would do, and post, the plan. Employees would then have the right to complain if the plan did not cover all concerns. Accessibility plans would have to be adjusted if necessary to meet standards set by the province when these standards are ready.

With these amendments, thousands of workplaces can become accessible and people with disabilities will have real employment opportunities. The doors of the workplace would be thrown open to people who are now denied jobs because of accessibility issues.

We do not see a reason to delay. We can accomplish the beginning of a real change in two to three years, rather than 15 to 20. We view the government's proposed implementation date of 2025 as unwieldy and unreasonable. To look at it from another perspective, someone born this year would have to wait until they were 20 years old to have a reasonable guarantee of access. This is not acceptable.

**Ms. Harris:** We are seeking remedies to systemic discrimination. This, for us, is not a theoretical exercise. People with disabilities encounter barriers every day that have a profound and immediate impact on the quality of their lives and human potential. Immediate relief and remedies are needed now, not 20 years from now.

There are some other general observations we want to make. There are four other key areas of the bill that concern us. They populate the category of government approach or commitment to this initiative. The four areas we want to briefly deal with are the purpose clause, the idea of exemptions, the generalities that riddle this bill,

and the financial support for organizations that would be required to invest time and staff in the success of the legislation.

First, the all-important purpose clause skilfully avoids stating what the purpose of the bill is. A purpose clause in a statute is critical to its interpretation. This bill is a rights statute, and it must reflect this. It is being enacted to remedy the systemic exclusion and discrimination that persons with disabilities have experienced and continue to experience in all aspects of Ontario life. But this bill states that its purpose is to benefit all Ontarians. It will be critically important for the courts to recognize that the legislation is anti-discrimination legislation and not a general statute for the benefit of all Ontarians. The lack of clarity in the purpose clause in section 1 has a capacity to undermine the work, efforts and outcome of the entire statute.

Second, the generalities and vagaries of Bill 118 are truly alarming and must be clarified. As it stands now, too many significant issues are left up to the cabinet. The plan spans two decades. There is therefore every possibility that key regulations will not be enacted either by the current government or future provincial governments. For example, this bill is about accessibility, yet it is not defined. It has not even defined who or what might be representatives of persons with disabilities.

Third is the question of exemptions. We don't think there should be any. At its heart, Bill 118 is an anti-discrimination bill, yet cabinet is given the ability to provide exemptions. The substance of this idea is all wrong, and so are the optics.

#### 0910

Fourth is the question of financial support for disability and other organizations. The government's plan calls for enormous investments in time over many years for disability and other organizations. There must be an acknowledgement of this with formal assurances of financial support. We've outlined some priority areas and concerns. We've detailed our other recommendations and amendments in our brief that's before you. We want to get started now, we want to begin to change the landscape of Ontario now, and we want to live in a province that embraces access.

In closing, we just want to say that in our brief and in the information that Sharon has presented to you, you have the opportunity, as a Legislature, to get a lot of this work going now. So we really urge you to consider our amendments, which would have unions and employers bargain accessibility plans. This could be done so quickly and so well. It would at least open many doors and workplaces very, very quickly and would make workplaces accessible to thousands of Ontarians who have disabilities. Without this, people just don't have access to jobs. Unless we tackle that problem, the unemployment rates for persons with disabilities will remain way higher than they should be. Thank you.

**The Chair:** Thank you for your presentation. There are three minutes left. We'll give one minute to each party. Can I start on the Liberal side this morning, please.



**Mr. Khalil Ramal (London–Fanshawe):** Thank you for your presentation. I just want to bring your attention to a couple of points you mentioned. You were talking about 20 years, that people will have to wait 20 years to have access to many places. The 20 years is the end of the period and we have a five-year increment. We start to enforce it as we go, as we finish; as we pass this bill.

The second point I want to mention is about the exemption. No company, no institution, no place will be exempt unless they comply fully with the bill. That's why the minister has a right to do this stuff.

**Ms. Harris:** Except on the latter. I understand what you're saying in the first point, but we think those time frames could be shortened. With our amendments, we could do the workplace stuff when the first two or three years would be a lot faster.

On the second point, your bill allows cabinet to make exemptions. So you could sit around a cabinet table and say, "These are the standards. We think they're great, but in this sector, X companies are going to be exempted." You've given cabinet that right, and we don't think that is right or fair.

**The Chair:** Thank you. One minute for each party, otherwise we'll run out of time. I will recognize Mr. Jackson.

**Mr. Cameron Jackson (Burlington):** Thank you very much. I'm pleased that you identified in the purpose clause—that was the first thing that struck me, because it's the first clause. As someone who's been involved with this legislation for a few years, I personally believe that the disabled community should be driving the bus. I really think they should be making the decisions.

Although there were shortcomings in the first bill, at least it was clear that the purpose of the bill was to empower disabled persons to be the ones making the decision, that government ratifies that. So I would hope that you could assist us—I will look at your brief in more detail—and that you'd actually provided some additional wording. Even the old bill's wording is better than saying this is an equality issue for everybody, when in fact we're trying to merge the objectives of the Human Rights Code and have them entrenched in all aspects of Ontario's life and compliance should therefore occur.

So I want to thank you for your brief. This bill has to start with the notion that this is about getting rid of discrimination and empowering the disabled to make decisions in their life.

**Mr. Rosario Marchese (Trinity–Spadina):** Thank you, Irene, for your submission. With respect to the notion of the purpose clause, I should point out that a whole lot of Liberals agreed with you in 2001. They disagree now, it seems, for some reason, but in 2001 many of the minister's Liberal caucus attempted to amend the Ontarians with Disabilities Act to include the following clause:

"The purpose of this act is to achieve a barrier-free Ontario for persons with disabilities through the identification and removal of existing barriers and the pre-

vention of new barriers that limit persons with disabilities from fully participating in all aspects of life in Ontario."

At that time they had a better sense of how the purpose clause should read, and now that they're in government, they obviously want to change it. They might want to reflect on that. If this bill passes as is, Irene, do you think it would be a strong bill, a somewhat strong bill, a weak bill or just a great bill? What do you think?

**Ms. Harris:** We think it's weak and that it's taking too long. It's too open-ended and the work hasn't—they should have nailed down a lot more in legislation than they have. It's far better than what the Conservatives did, but we think that looking at changes to workplaces and being able to do that quickly really should have been in the legislation, and it is not there.

**The Chair:** Thank you very much to both of you for coming this morning.

## MUSCULAR DYSTROPHY CANADA

**The Chair:** We'll move to the next presentation, from Muscular Dystrophy Canada. Good morning. You have 15 minutes in total for your presentation and potential questions. Again, if someone needs assistance, we do have two people available to assist any of you with whatever you need. I would ask that when you make your presentation, please keep in mind that there are people who may need a little more time to appreciate the presentation. You can proceed any time you're ready.

**Ms. Anne Harland:** Good morning. I'm presenting today wearing two hats, actually. I'd like to split my 15 minutes into two sections and present two very brief briefs, one on behalf of Muscular Dystrophy Canada—I'm a client-volunteer with Muscular Dystrophy Canada—and the other on behalf of myself and the other individuals with disabilities who could not be here today.

Muscular Dystrophy Canada, MDC, is a national not-for-profit organization that provides services and support for individuals with neuromuscular disorders. In Ontario alone, there are approximately 3,500 people registered with MDC. There are of course many hundreds more in the province who have physical challenges due to this progressive muscle-wasting but who are not registered or even yet diagnosed.

Staff at Muscular Dystrophy Canada hear on a regular basis from individuals who are denied access in Ontario to a number of facilities, goods and services. Some of the concerns you're about to hear you've heard from other presenters yesterday and from some of the politicians here as well. But each of these concerns, and these are only a few, come from real-life experiences as described in the last six months by people from Dryden to Toronto in this great province of ours.

Some of the identified concerns are:

—apartments with elevators that break and are not repaired for several days, making it impossible for residents who are wheelchair users to enter or leave their homes;

—inability to attend school regularly because school buses are not wheelchair-accessible;

—a lack of uniform provincial parking permit bylaws, leading to fines for a population already at risk financially;

—businesses with wheelchair-accessible signage but with restrooms located up or down a series of stairs;

—stores, including pharmacies, whose aisles are impossible for a chair or scooter to navigate;

—doctors, ophthalmologists and dentists whose offices are not accessible by persons in a wheelchair or using a scooter, yet that is the only doctor in the region;

—curb cuts that are blocked by parked vehicles and that cannot be accessed in winter months because of poor snow removal;

—parking garages, including those in hospitals, that cannot be entered in a raised-roof modified van, necessary for someone using a wheelchair;

—government-funded employment retraining programs that are run in non-accessible facilities, with inadequate handicapped parking and dubious accountability for job placements;

—doctors who do not and will not accept a patient whose level of required care is high or complicated because of a disability, leaving that individual without medical attention;

—municipal facilities, including election polling stations, that are not accessible;

—employers who violate the Human Rights Code duty to accommodate, knowing that few individuals with disabilities have the financial and/or personal resources for a legal challenge that would take years to process with the commission as it now operates. That was pointed out by several of our folks here at the table yesterday.

0920

The list of concerns at MDC I've read out to you that MDC hears on a regular basis is really the tip the iceberg. There are many more.

The recommendations, and there are a few that MDC would propose: that the implementation period of 20 years be substantially reduced. MDC is aware that government funding and resources for implementation for this bill are limited, and is willing to assist the government in an effort to reduce this timeline. We would also urge amending section 40 so that input from persons with disabilities and other interested parties can be considered before cabinet enacts proposed regulations.

In closing, MDC would like to thank you for this opportunity to present in such an open, public forum. We hope that you will give your unanimous support again to this bill once revisions have been made and it has been rewritten to incorporate many of the common themes that you heard yesterday and will hear again today.

**The Chair:** Thank you very much for your presentation. We have about two and a half minutes each for questions. I'll start from—

**Ms. Harland:** Mr. Chair, what I would prefer to do is hold the questions until—thank you, sir. Is that all right?

**The Chair:** Yes; you should finish. Sorry; I thought you did.

**Ms. Harland:** That's the presentation on behalf of MDC. I would now like to present, I guess on the basis of myself as a person with a disability, an equally brief presentation. I noticed yesterday in the proceedings that I watched from home—thank you very much to the current government for doing that—that there weren't a lot of individuals with disabilities who presented individual briefs, so I'd like to speak on behalf of myself as well as them.

**The Chair:** Yes. Proceed, please.

**Ms. Harland:** OK. My education-employment experience is not in a political or legal field. My perspective, as I said, is that of a person with a disability who is a proud Canadian and long-term Ontario resident. I speak from personal experience and also from experience interfacing and volunteering with a number of different community service groups that work for and with people with disabilities. I want to remind the ministers that they should not interpret the small number of people with disabilities here yesterday and today as a lack of interest in this process, but rather as another example of where it's sometimes difficult, if not impossible, for people with disabilities to be involved in process.

I applaud the current government's decision to actively seek input from persons with a disability in a public, open forum and to recognize and arrange that the proceedings need to be televised.

I would like to commend the Conservatives for Bill 125, and now the Liberals for their proposed Bill 118, but both have merit and both have shortcomings. Many of the MPPs acknowledged yesterday and pointed out very clearly—Mr. Jackson in particular put it succinctly—that in the four-year interim there has been no forward movement in spite of Bill 125.

To my untrained eye, with my lack of political and legal background, my perception is that Bill 118 as it stands is vague, lacking in timelines and very weak in the area of enforcement. I would answer the MPPs' question at the end of the last presentation with a very easy "No; it is not suitable as it stands. It needs amendments."

To my thinking there are even problems, as Ms. Martel of the NDP pointed out yesterday, with word usage, with "may" versus "shall." She was corrected on that issue on a legal technicality. I am not going to go into all the areas that I see as problems with the act. I have read it thoroughly. I do have concerns. I would instead instruct the committee, if they could, please, to look at a brief that will be presented later this afternoon. The Ontarians with Disabilities Act Committee presents this afternoon. I have no affiliation with that group; I did not sit on their committee. But I have read their 50-page-plus brief and it is outstanding. It is very well written. In spite of its length, it is concise and very clear in some of the changes that need to be made.

I'd also like to make note of a presentation that was put forward yesterday by the GTHA, the Greater Toronto Hotel Association, and thank them for recognizing, as a



public sector representative, that public sectors are interested in being involved in coming to the table—they are sometimes leaders in the field over our public sector as private businesses—and also for their recognition that the financial loss is to all Ontarians when we do not have a barrier-free Ontario.

I'd like to highlight some of the concerns that were brought up yesterday by some of the presentations and the MPPs who are here.

This legislation needs to provide a mechanism whereby a member of the public can voice concerns with respect to non-compliance and have that complaint dealt with in a specified time frame. It was pointed out many times yesterday that the Ontario Human Rights Commission, as a vehicle to deal with issues of non-compliance, currently is not effective. Therefore, the use of tribunals in this piece of legislation needs to be revisited.

The 20-year timeline is excessive. I support Ms. Martel's comments yesterday and the brief preceding mine that this can be much reduced, the timeline changing from five-year blocks in which things are reassessed to three-year blocks, with a total implementation period of 12 years.

Provincial government remuneration needs to be given to persons with disabilities and individuals from the non-profit sector who sit on these standing committees at the community municipal level.

Standards in certain areas should be legally mandated to be addressed in priority, and this is listed in priority from my perception as an individual with a disability: barriers in (1) the physical environment, (2) transportation, (3) health care, (4) education, and (5) employment. I just want to point out that there is very strong legislation under the Ontario Human Rights Code with respect to a duty to accommodate in the workplace. It is outstanding. It is stellar. However, it falls short in enforcement because the method of enforcement is through the Ontario Human Rights Commission, and we heard yesterday that that is not working.

Government should be included in the legislation and required to file an accessibility report, as suggested yesterday by Mr. Jackson and a few others. No incentive should be provided that exempts an organization from filing an accessibility report.

I urge all parties to be proactive in your final revisions of this bill. I wish also to remind you that the challenges that persons with disabilities face were first recognized in Ontario law with the Ontario Human Rights Code in 1982. Concrete, significant changes are yet to be legislated, from my point of view.

Thank you for your attention and the opportunity to speak.

**The Chair:** I thank both of you for your presentation. The time is over. Thank you again for coming.

**Ms. Harland:** I will be here during the lunch break if anyone wants to approach me individually.

**The Chair:** Thank you very much.

0930

## ELEMENTARY TEACHERS' FEDERATION OF ONTARIO

**The Chair:** The third presentation is from the Elementary Teachers' Federation of Ontario. Are they present? Good morning. Proceed whenever you are ready, please.

**Ms. Cynthia Lemon:** Good morning. I'm Cynthia Lemon, vice-president of the Elementary Teachers' Federation of Ontario, and on my left is staff officer Christine Brown. We're delighted to be here this morning.

The Elementary Teachers' Federation of Ontario represents 65,000 educators across the province and, in this particular case, I would like to say that we also speak on behalf of the children in our classrooms. We welcome this opportunity to provide input on Bill 118, the Accessibility for Ontarians with Disabilities Act, and we extend our appreciation to this committee and to the citizenship minister for the chance to participate in these consultations.

We believe that Bill 118 holds the potential to enable Ontarians with disabilities to participate as full citizens of this province. It is an opportunity long overdue. We also believe many parts of the bill could be strengthened and improved. I will touch on some of these areas in this presentation, and a more comprehensive list can be found at the end of our written submission.

The Ontario Human Rights Code already provides blanket protection against discrimination for people with disabilities. Yet, as we know, a complaints-based system such as that found under the code is no substitute for proactive legislation. The goal should be to prevent discrimination rather than merely to redress it once it has already occurred.

For unionized employees such as members of ETFO, enforcement of the Human Rights Code falls mainly under the grievance procedure in our collective agreements. This means that a member with a disability who is faced with barriers in the workplace must challenge them on an individual basis. ETFO takes on many workplace accommodation cases every year. It is not unusual for us to be handling very similar complaints simultaneously in more than one school board. This is a very inefficient use of resources, both those of ETFO and those of the individual school boards, particularly at a time when we need the money in the classrooms.

Bill 118, as presently drafted, will take a long time to bear fruit, but when it does, we look forward to the day when barriers will be proactively prevented rather than being eliminated one by one. Rather than tearing down walls brick by brick, we'll have bridges permitting connections and accessibility for all.

We would like to turn now to some of the fine tuning that, in our opinion, Bill 118 needs in order to make it all that it could be.

The 20-year time frame for the implementation of accessibility standards has received a great deal of

attention. We're less concerned by this ultimate timeline than by what happens along the way. It will be of no surprise to you that, as teachers, we're very fond of deadlines. The process for setting up standards committees, allowing them to complete their work and implementing the standards they develop is a complex one. The sooner all of this is achieved in fixed measurable stages, the better. As drafted, Bill 118 is too open-ended with respect to timelines. Specifically, we would recommend that mandatory time frames be put into place for establishing the standards committees, setting their terms of reference and fixing the dates by which various stages of their work must be completed.

Further on the question of timelines, we believe that there are any number of barrier removal measures which are either no-cost or low-cost. Once the standards committees are up and running, we would like to see them identify as many of these as possible and to target them for especially early removal. An accessible Ontario is long overdue. We believe that establishing such deadlines will help kick-start the process. We're all aware that in some cases the horse is out of the barn too fast, too soon, but we would like the horse to get out of the barn.

We strongly support the participation of persons with disabilities in the work of the standards committees and commend the government for making them a formal part of the process. As an equity-seeking and social justice organization, we do firmly believe in inclusivity.

However, as has been pointed out by the Ontario Federation of Labour, the Ontarians with Disabilities Act Committee and numerous other advocacy groups, barriers to full participation and civic life are among the key reasons such legislation is needed in the first place. Given the material circumstances of so many people with disabilities and the shoe-string budgets of the organizations which represent them, there is a very real danger that the individuals who know the most about barriers will be the very ones cut out of the process. We would also like to emphasize that many individuals in the disability community with unique and valuable knowledge of barriers reside in areas outside major urban centres. Their expertise and experience should also become a part of the process. We therefore join with the Ontario Federation of Labour and other organizations in urging the government to develop a reasonable system to compensate these individuals for their expense and their time. Opportunities to participate should be encouraged, provided and supported.

There are other areas in which we believe Bill 118 could be further strengthened. As drafted, Bill 118 permits broad ministerial exemptions and leaves many crucial details up to cabinet. One example is the power of cabinet to make regulations which would exempt persons, organizations and buildings from the application of the act or its regulations. Given the more than generous timelines built into the bill, we're finding it difficult to understand the need for such sweeping powers of exemption.

Finally, as is often pointed out, the most difficult barrier that people living with disabilities must overcome

is that of attitude. The Ontarians with Disabilities Act Committee has suggested that a formal mechanism be developed to educate the public about disability issues. In particular, they have proposed that the curriculum and key post-secondary programs, such as architecture and medicine, as well as the curriculum in elementary and secondary schools, be enriched in this fashion. As a union which represents those who educate young children, we support these suggestions. Greater knowledge about disabilities and, more specifically, about the barriers that people with disabilities face is crucial to ensuring that those barriers are not replicated by future generations.

From our own experience as teachers, we know that children are receptive to learning about the challenges that their own classmates with disabilities face. In my own experience, I've had the opportunity to have in my class a student with a visual disability. We did bring in support to help the students in that room understand how she lived on a day-to-day basis. They wore glasses that negated their vision or distorted their vision, and their understanding of how she walked on a daily basis was incredible. That will help to educate all students and change attitudes and behaviours, the behaviours that prevent accessibility.

Once again, we extend our appreciation for this chance to contribute to the debate on Bill 118. It's a piece of legislation with the potential to make Ontario a world leader in the area of social justice and human rights. Thank you.

**The Chair:** We will have two minutes for each party, and if I can start with Mr. Arnott, please. Two minutes.

**Mr. Ted Arnott (Waterloo-Wellington):** Thank you very much for your presentation this morning. It's very helpful to have your advice and your views as we move forward on this discussion of Bill 118.

It's my understanding that the former government's disability legislation, Bill 125, included in it a provision that would have compelled school boards to file disability plans with I guess the Ministry of Citizenship. As well, it would be a public document so that parents and interested people could know what the board was planning in terms of moving forward to removing barriers and ensuring that people—students, teachers and your staff—would have opportunities even if they were disabled. It's my understanding that it was the plan of the government to assist in the funding of whatever upgrades would be necessary as a result of those plans. Over a period of time, it was the belief of the government that that would work. Are you at all concerned about the fact that Bill 118 now does not include a requirement for school boards to create these disability plans?

**Ms. Lemon:** I think with any piece of legislation there has to be a mechanism that monitors the progress of the initiative. I would suggest that there have to be the supports in place to ensure that this follows through. When I think of school boards in particular, in relation to the membership in ETFO, something as simple as parking spots is an issue that could be addressed in a fairly



expedited fashion. I don't know how recently some of you have been in school parking lots, but sometimes they're not even close to the school building. So you will have a wheelchair-accessible parking spot, but it's still quite a distance from the building itself. Also, monitoring the attendance of students in the schools: Do they have to in fact leave their own home community to go to a school that is accessible? So there are a number of initiatives that can happen, but they do have to be monitored, as always, to ensure that they do.

**Mr. Marchese:** Some quick questions, if I can. The OFL made a presentation, saying that it is critical that there be a "proactive and formal involvement of unions at every stage of the process." They said they believe that "a parallel process to the Pay Equity Act of 1987, passed by the David Peterson government, ... is ... key to the success of" this "legislation.... Thousands of workplaces can become accessible, and people with disabilities will have real employment opportunities" if accessibility plans are bargained in all workplaces. Unions and employers should be compelled to begin this process immediately. Do you have a comment on that?

0940

**Ms. Lemon:** I will give that one to my resident expert next to me.

**Ms. Christine Brown:** Thank you. I would hope that the government and all those implementing this bill would make use of the very great expertise of the OFL, and indeed of all unions, because we do have the day-to-day experience. I wouldn't say that a workplace-by-workplace plan is absolutely key to the success of the bill. There is opportunity for stakeholders to have input into the process.

**Mr. Marchese:** So you agree that they should listen to the OFL because they have a lot of expertise, but you don't necessarily agree that that's something that should be bargained in the workplace, necessarily?

**Ms. Brown:** Along the pay equity model, I don't think that is key to the success of the bill. But I would certainly hope that the OFL and all unions would be part of the process.

**The Chair:** Thank you, Mr. Marchese.

**Mr. Marchese:** That's it, eh?

**The Chair:** You have another half a minute if you wish to ask another question.

**Mr. Marchese:** On the issue of inspections, the minister may appoint inspectors for the purposes of this act. Is it your sense that inspectors should be employed to make sure that accessibility plans are there and are in order and so on, or do you think it should be left to the government to decide whether or not inspectors "may" be hired?

**Ms. Lemon:** I think, as with everything, there has to be something that makes accountability kick in. I'm not sure I like the word "inspectors"—I wish there were a more proactive refrain word that we could use—but there have to be supports in place to ensure that people with disabilities are having the accessibility they need.

**Mr. Marchese:** At the moment, we don't have it.

**Ms. Lemon:** We can build it in.

**Mr. Jeff Leal (Peterborough):** Just a quick question: What percentage of the members of ETFO would be disabled teachers?

**Ms. Lemon:** I actually don't know the answer to that question. It's a number or target that moves. It depends on the age and stage of the career. We have members who become disabled as they age. It also depends on whether people are prepared to self-identify. So I don't have an exact answer for you.

**Mr. Ernie Parsons (Prince Edward-Hastings):** One of the challenges I find in our society is that people are afraid of individuals with invisible disabilities such as mental illness. Do you see an advantage or opportunity in adding to the school curriculum some material on disabilities to better inform your students of what their friends and neighbours in the community—

**Ms. Lemon:** Absolutely. I think this is about more than changing attitudes; it's changing understandings so that people at a level have a very innate understanding of those around them and the supports they need, so that we don't have to educate people in post-secondary, in architecture, about how to make a building accessible. They'll understand that before they get there. It will become as natural as breathing. So, absolutely, those supports need to be built into the curriculum sooner rather than later.

**The Chair:** Thank you to all. Thank you for your presentation.

#### YONGE-BLOOR-BAY BUSINESS ASSOCIATION

**The Chair:** The next presentation will be from the Yonge-Bloor-Bay Business Association.

**Mr. Douglas Jure:** Good morning.

**The Chair:** Good morning. Please proceed whenever you're ready.

**Mr. Jure:** Mr. Chairman and members of the committee, on behalf of the Yonge-Bloor-Bay Business Association, I would like to thank you for giving us this opportunity to participate in your hearings on Bill 118. My name is Doug Jure. I'm a vice-president of our association. With me this morning are two members of our association who are retailers: Oriella Stillo and Simone Marie Coenen.

Oriella Stillo's shop, Accessity, is located at 136 Cumberland Street, in the village of Yorkville. Her shop is known for its extensive range of women's fashion accessories, varied in price and design. Accessity carries two of Canada's biggest jewellery designing stars: Rita D. and Tryna.

Simone's shop, Simone Marie Belgian Chocolates, located at 126 Cumberland Street in the village of Yorkville, offers, as its name suggests, authentic Belgian chocolates and chocolate truffles for all occasions.

The aim of Bill 118 is to ensure that Ontarians with disabilities have full accessibility to restaurants, stores, public transit and other services. The Ministry of Citizen-

ship and Immigration estimates that 350,000 public agencies and private businesses, large and small, big-box stores and shops, will have to meet standards giving access to people who are deaf, blind, or in wheelchairs, or who have mental disabilities.

Our association supports the aim of Bill 118. We expect it to be enacted this year, and we would like to sit down at the table to work out those standards. As you can no doubt appreciate, the AODA will have a significant impact on how our members operate their businesses, manage their employees, and offer their services to the public. In many respects, the act parallels and will build upon obligations that currently exist in law, whether in human rights legislation or in building codes. However, the AODA will also go beyond existing obligations, and over the course of its implementation we expect that the act will require our members' landlords to make significant expenditures in terms of time, capital investment and ongoing operating costs.

Unless those standards are set to exempt or grandfather two- to three-storey street-front buildings where entrepreneurs such as our members carry on their businesses, this legislation will impose onerous and unaffordable building retrofits and structural changes to accommodate those disabled Ontarians who must use wheelchairs and walkers. To suggest that these building owners can or will afford to install new stairwells and stairways and install elevators is unrealistic. The cost of structural renovations will be passed on to the landlords' tenants, our retailers. They in turn will have a choice: to pass their increased lease costs to their customers or get out of business.

In communities not just in the village of Yorkville but throughout Ontario, these two- to three-storey street-front properties in downtowns and in neighbourhood business districts are integral components of your and my communities' character. These buildings have been around for a long time. Structural renovations are not only expensive but in many cases beyond either a design or an engineering solution to improve accessibility. In Yorkville, many of these buildings were originally houses. When they were built, no one thought about putting a closet on the second floor above the closet on the first floor, so that if an elevator is required, the shaft is already built in. To install an elevator in either of the buildings where Accessity and Simone Marie Belgian Chocolates reside would cost anywhere from \$80,000 to \$100,000. Tenant leases usually require a contribution to common-area expenses. Neither retailer could afford to contribute to such an expense. If that is what the relevant sector standard requires, it is too late for these building owners and their tenants. However, we do want to work with the ministry by participating in the development of the goals, the relevant sector standard, and the time frame within which the goals are to be achieved. To that end, our association has requested membership on the relevant standards development committee.

We encourage you to ensure that the intent of Bill 118 is to balance the need for accessibility with an expecta-

tion that small businesses need not go beyond what is readily achievable. A men's clothing store may not need Braille merchandise price tags, for example, but the staff must read price tags and describe the clothing selection to a consumer with a visual impairment. A women's fashion accessory store does not have to hire a full-time sign language interpreter, but the staff must communicate by pen and paper when necessary. A specialty food store might need to adjust racks to permit access to people who use a wheelchair, but only if these changes are readily available and achievable. Alternatives may include staff taking a selection of products to the customer.

Our retailers extend their customer services in a variety of ways to all individuals. Our problem is the potential demand of a sector standard requiring the modification of two- to three-storey street-front buildings for those disabled who require wheelchairs and walkers. In our opinion, the cost to our small business retailers and communities across Ontario is too great.

**0950**

To give you an idea, Mr. Chairman and committee members, of exactly the kinds of buildings I'm talking about, I have a number of photographs. Here on Cumberland Street in Yorkville, right over at this side, is a picture of Accessity. You can see these buildings are of several decades. They are narrow. They have stairs. On the other side, Oriella here has a panoramic shot, a further shot in Yorkville; again, an intimate setting with narrow buildings, two to three stories, normally two stories. Oriella has a picture of Simone's shop. Right there is where the honourable member from Burlington will be buying his chocolates on Valentine's Day.

**Mr. Jackson:** The sweetest thing I ever wanted, Doug, just for the record.

**Mr. Jure:** I thought so. And last but not least, even more recent buildings. This is a picture on Bellair, off of Yorkville, between Yorkville and Cumberland: lots of stairs.

So we would like you to take into consideration the intent of the bill, to provide a realistic basis for accessibility, in terms of cost and engineering. With that, we're open to your questions.

**Ms. Oriella Stillo:** If you don't mind, I do have a comment.

Most small businesses in this city and across Canada are started by women these days, and they are started by immigrants, of which I am both. We often go into areas that are derelict, that are old, that for good reason are just this close to being torn down. I started 25 years ago with \$5,000 and my husband building the store for me.

I am very, very worried about these areas, not just in Toronto but across Ontario, that will suddenly be faced with a \$100,000 elevator charge or all these additional costs. They are going to be further derelict. They are going to be the future slums.

You're going to have a problem with historical areas like Yorkville across Ontario. I can't afford to open up in a mall. Simone probably can't afford to open up in a mall, where it's wheelchair-accessible. But what we do



offer, and I have to tell you that we come second to nobody, is incredible service. We both help people with disabilities. We will spend over an hour helping some of our blind customers pick out the perfect gift for someone, or Simone with her customers. Service like that is not available in big-box stores.

I am concerned, if this legislation goes through as it is written—and I do have a problem with the clarity; I'm concerned about just how draconian this legislation can be if you want it to be—that the only thing in existence will be big-box stores that can incorporate the cost of wheelchair elevators and escalators into their cost factors. I can't.

I do offer incredible service, and my customers come to me. I have blind customers, hearing-impaired customers; I have people in wheelchairs whom I serve. But to be asked to participate in some of this legislation that is coming through will bankrupt me. I cannot afford it, and a lot of small businesses in Ontario cannot afford it.

**Ms. Simone Marie Coenen:** I would like to add my comment as well.

Besides the financial aspects that we have touched here, the aim of this bill is to provide accessibility to everybody to our product and services. I don't think, and we don't think, that putting in elevators and a widened door will solve the problem. We believe there is much more to do in terms of giving education, giving another type of service.

In our store, as Oriella just said, we have been giving the service forever. That's what small businesses are doing all over Ontario. We are here not only to represent the village of Yorkville. We represent small towns from all over Ontario, hundreds of businesses in similar situations. Those small businesses have been giving this service to people with disabilities forever. We go on the street. We take credit cards and orders from our customers from the street. Even if we put an elevator in front of my building, which would be very nice if we had the financial ways of doing it, I don't think that a person in a wheelchair could even turn around in my store. So this is not a global answer.

We have people with poor hearing, we have blind people, we have people with some kind of mental illness. An elevator is not going to solve their problems. Our staff have to be trained. My staff had training in Toronto two years ago to handle senior people with disabilities. We have pamphlets in the store that have a special font that people with poor eyesight can read. So there are lots of things that need to be done, not only solving the problem of people in wheelchairs. That's why we want to sit with you to discuss all that, because it is much broader than just the wheelchair people.

**The Chair:** Thank you for your presentation. There is one minute each, and we'll start with Mr. Marchese.

**Mr. Marchese:** Obviously your point of view is an important one in these hearings. My sense is that you all agree that discrimination has happened, continues to happen and is likely to happen in spite of this bill on people with disabilities. My sense is that you agree that people

have been discriminated against if they have a disability. Is that correct?

**Mr. Jure:** Yes. We agree with the intent of the bill.

**Mr. Marchese:** My sense is that you agree that people with disabilities should generally be able to have the same access to places, to stores, as anybody else, because otherwise it would be unfair. You probably agree with that too, right?

So what you're saying is that there is discrimination and that people should have access, but as it relates to your particular places, it would be too expensive for your members because of the historic nature or structural nature of the building. Therefore discrimination exists, but in this case we just have to live with it because it's too expensive.

**Mr. Jure:** But we also said that the staff do accommodate those situations. We gave you illustrations of that. We're saying that the physical structure of the building makes it impossible to install ramps and other devices, elevators, escalators, to accommodate those individuals who have mobility problems. We're focusing on individuals with mobility problems.

**The Chair:** Thank you very much, Mr. Marchese.

**Ms. Kathleen O. Wynne (Don Valley West):** I really appreciate your presentation and take your point in terms of the age of the buildings. There are religious institutions and buildings all over Ontario that are confronting the same kinds of challenges.

I just wanted to get you to comment. As a member of the government that's introducing this bill, one of the things about it that encourages me is that it does put a process in place to set standards and to involve the people who are going to be affected. The composition of the standards development committees will include "representatives of the industries, sectors of the economy or classes of persons or organizations to which the accessibility standard is intended to apply." Are you encouraged by that? You've said that you want to sit down and talk with us.

**Mr. Jure:** Yes. We're relying on our participation.

**Ms. Stillo:** I just find the bill very, very vague when it comes to what kinds of standards. I read where inspectors can come into any business any time of day and demand all sorts of information.

**Ms. Wynne:** But you see, we're relying on you and on the disability community to have that very difficult dialogue. This is an evolutionary process, and we're relying on you to work with the people who will be affected.

**Ms. Stillo:** I can appreciate that. Coming here for us to give a different side is like arguing against motherhood and apple pie and being accused of being discriminatory to some extent.

**Ms. Wynne:** But you bring very good points.

**The Chair:** Excuse me; thank you. I think the question and comments have been taken care of. Sorry, I have to limit this to a minute.

**Mr. Jackson:** As someone who has been involved with this legislation for the last half-decade, I want to say

to you that it has always struck me that government and society can set priorities both in terms of time and in terms of importance to the disabled community. If I were disabled, I'd want to know that if I needed access to government services, I should not have any barriers in front of me. If I need access to the courts, there should be no barriers in front of me. If I need medical or emergency treatment, there should be absolutely no barriers in front of me.

It strikes me as odd that those provisions in the previous legislation that said all government buildings in this province must be accessible—you make the very strong point about the cost to retrofit. All past governments have paid hundreds of millions of dollars in rent to landlords in inaccessible buildings. In my view, that's criminal and should not go on a further day.

Are you concerned that in this legislation they are removing the responsibility of the government of Ontario to make all of its buildings accessible, which they can afford, but rather, according to the minister, they are actually going to start with the retail, the hospitality and the hotel industry as the first people to be tested with this new legislation? Do you not think that the priorities are backwards here, that we should be starting with hospitals, schools for children, government buildings, courthouses, doctors' offices, and not starting with a chocolatier in Yorkville who's got a building that will never—I mean, the square footage in front of the cameras is as large as her store.

**Mr. Jure:** It's a little larger. The priorities the government has set: I'll leave that for the parties to debate. What we're focusing on is the issue of the cost to our retailers in those kinds of buildings—there's a particular building. We welcome the idea that there will be a bigger marketplace. We always want more customers, no question about it. But the government, the legislation, the law, the standards, must take into consideration that there are just some barriers, unfortunately, for some sectors of the disabled that cannot be resolved.

**The Chair:** Thank you very much for your comments. Have a nice day.

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#### INSTITUTE OF DOCTORS IN SOCIAL WORK

**The Chair:** The next presentation is from the Institute of Doctors in Social Work. Please have a seat, and whenever you're ready you can start. I remind you that there is a total of 15 minutes, including questions and comments from the membership. Good morning.

**Dr. Doreen Winkler:** Good morning. It's my pleasure to introduce my colleagues Dr. Gail Aitken, Dr. Don Bellamy and Dr. Malcolm Stewart. I'm Dr. Doreen Winkler.

The Institute of Doctors in Social Work, IDSW, is a newly established group of social workers who have their doctorates and work in different settings but share similar concerns. The IDSW does not presume to have special expertise in disabilities, yet as social workers we are

grounded in understanding the nature of disabilities, their impact on the people who have them and the various things faced by disabled persons. Also, as social workers, our stock-in-trade is advocacy and social action.

We welcome this opportunity to appear before you and we applaud the Ontario government for its decision to hold public hearings openly on Bill 118, the Accessibility for Ontarians with Disabilities Act. We commend all three political parties for their unanimous vote in favour of the bill on second reading, to approve it in principle. We would encourage all parties to vote similarly at third reading so that the possibility exists that this law could be passed unanimously.

We believe that Bill 118 is a good bill and that some amendments to it will make it an even better bill. Amendments to the bill are necessary for the strengthening of the current Ontarians with Disabilities Act, 2001. As it stands, Bill 118 makes significant, substantial improvements to the Ontarians with Disabilities Act, 2001, as it currently exists. These benefits and improvements are set out clearly and in depth in a brief that will be submitted to you by the Ontarians with Disabilities Act Committee, and we endorse this excellent brief in its totality. We support the reasons set out in this brief for proclaiming Bill 118 as a good bill. Also, we find that the committee's key rationales for amendments are persuasive. We are convinced that the 11 priorities contained in the brief's amendments are very well organized, thorough, and clearly crafted with wisdom. We urge you to give this brief the attention it deserves.

Our main message today, though, and this will be elaborated upon by my colleagues, is that Bill 118 provides a firm basis for a strong, effective and mandatory Ontarians with Disabilities Act. The proposed amendments, in our view, make this legislation truly live up to the government's stated objective to make Ontario barrier-free for all persons with disabilities. It is our contention that this can happen only when the ODA committee's 11 principles become fully operational.

I refer to the 11 principles introduced into the House by the Honourable Dwight Duncan and passed as a resolution on October 29, 1998. We contend that when these 11 principles are implemented—not simply accepted or enacted—we will have this strong and effective legislation to make this province barrier-free, not only for those of us who live with a disability but also for all those people who, by reason of aging and other circumstances, will become disabled in the future.

We look forward to the passage of Bill 118 as unique, exciting legislation.

**The Chair:** Thank you, Dr. Bellamy. Does anyone else wish to comment from your side?

**Dr. Gail Aitken:** Yes, I would like to. That was Dr. Doreen Winkler. I'm Dr. Gail Aitken and I would add my thanks to Dr. Winkler's for the opportunity to present at this hearing.

We stress that it is essential to work with those affected by disabilities as the standards and regulations are developed and implementation plans are put into place. We were very, very pleased that Minister Bountro-



gianni emphasized this in her address to the Legislature on December 2, at the second reading hearings.

It is especially important to set strict time frames for implementation of this act in all of its facets, both in the public and private sectors. We would like to emphasize that it is instrumental to get going and, in the first five years of the implementation, to show that strong action will be taken to facilitate the implementation in the subsequent 15 years. If you show that there are teeth to this legislation in the first five, it may mean that it's easier to have compliance in the subsequent years of the implementation plan. Strong monitoring and enforcement of standards in the first five years may ease the costs of the implementation in the subsequent time frames.

Despite the government's fiscal situation, we would suggest that some resources, such as low-interest loans, be made available to help non-government social agencies and small businesses comply with the access requirements.

I would also suggest that it is not only humane but cost-effective to ensure that small grants or loans are available to disabled individuals of limited resources to help them live independently in the community and avoid costly institutionalization. Sometimes, as you realize, a ramp into the house and help with transportation are all that's needed to defray or delay institutionalization of people who really want to maintain their independence and live in the community.

We would like to emphasize that all Ontarians will be affected by improved accessibility legislation. With a background in health care, social work and education, I am particularly concerned with the extent of unobvious disability, the hidden or invisible disability. You've heard that 15% of Ontarians are disabled. I contend that the percentage is much higher. When you consider the number of people of all ages who have challenges and as the Ontario population is aging—and we keep being told and have been for decades that we are, in this century, going to face increased numbers of elderly with some disabilities—we really need to pay attention to the invisible sector, the people with disabilities who have trouble with subway stairs; stroke victims find that it's a major difficulty when subway escalators are not functioning etc.

1010

Our experience with children and youth also causes us to have grave concern about current limitations to access to schools and transportation at every level. People, whether it's primary school, high school or post-secondary school, find that there are grave impediments to their participating fully in the educational system, and I think we need to continue to work on improving that.

If this government can look beyond the immediate costs of implementing Bill 118, with its suggested amendments, in the longer term, both the tangible and intangible benefits to our society will be enormous. Ours is an aging population, and a major goal is to maximize independence and productivity of all people in this province. Some people may support strong accessibility laws only on the basis of enlightened self-interest. How-

ever, we at IDSW expect that the majority of Ontarians will support the implementation of Bill 118 from the standpoint of social justice and human rights.

**Dr. Donald Bellamy:** Thank you, Dr. Aitken. I just have one or two comments that I would like to make, perhaps less formally.

One of the things that occurred to me as I read the material and our submission is that we really have to be concerned about extending accessibility beyond the large urban centres. Not that people don't suffer the same kinds of problems, but we do tend to overlook our rural, isolated members of Ontario. So I think that's a major challenge. I heard already this morning that there are groups presenting to you from rural areas, and that, of course, is very important.

Just to state something else that perhaps is obvious and that we all recognize today, I believe the change is phenomenally swift, and while we stress the importance of moving aggressively with implementation in the first five years, over a 20-year phase-in, we really have to plan for much flexibility in dealing with what is now essentially the unknown. We can barely anticipate five years hence, and 20 years hence is very difficult. We should not think of the act and its regulations as a box, in a sense, a rigid system. We have to move beyond that.

Aside from the population shifts that Dr. Aitken referred to, we'll have to accommodate changing legislation to meet the future needs. For example, our home care policies and programs will surely change over time, as they must, if you know those, of course, as would other legislative measures. All of these legislative arrangements that are associated with human welfare and human rights and so forth must be able to move together, develop together, and be linked, if you will.

Finally, another comment about this environment of change: We see even greater developments in technology than we even can consider or contemplate today. We really need to encourage innovation and application of these resources in support of accessibility to disabled people. It isn't just ramps and transportation, in the simple terms we refer to. There has to be a great payoff, I think, if we think of technology innovatively, experimentally. There are all sorts of developments in nano-technology, and I think there's a lot of payoff if we're able to do that, to enable people who are isolated to be in touch, if you will, with necessary services, professionals to be in touch with each other, and so forth, around these situations.

Those are my comments, Mr. Chairman.

**The Chair:** Thank you for the presentations. There is no time for questions. Thank you again for coming.

**Dr. Bellamy:** Thank you very much for the opportunity.

#### JOINT PEEL-CALEDON ACCESSIBILITY ADVISORY COMMITTEE

**The Chair:** The next presenter will be the Joint Peel-Caledon Accessibility Advisory Committee. I remind you

that there will be a total of 15 minutes, and when you make your presentation, can you do it as slowly as possible? Thanks very much. Of course, when you start speaking, introduce yourselves for the record, please. Mr. Barnes, thank you for coming this morning.

**Mr. Glenn Barnes:** Thank you very much, Mr. Chair. I'm here on behalf of the Joint Peel-Caledon Accessibility Advisory Committee. My name is Glenn Barnes, and I'm here with some committee members. Terri just got married. Her last name was Hamilton but it's Leroux now.

First of all, before I start, I just wanted to congratulate the minister and all of her staff on the bill she has put forward to this point. I think it's a really commendable effort, and it's got very good parts to it. As my colleagues said before me, and I'm sure many times before that, the bill is a strong bill, but we believe it could be better with some amendments.

The following recommendations that we're going to read are of the subcommittee put together through the accessibility advisory committee from the region of Peel and Caledon. Unfortunately, due to time constraints, the recommendations we're going to be presenting today were not endorsed by council. However, I think we have full support from staff, and staff were part of helping to put these recommendation together. We think that our council meeting on March 10 will enable us to have these points all passed by council and fully approved.

**The Chair:** Mr. Barnes, if that happens, would you please notify the clerk with that information so the committee will be aware if the political body does support those.

**Mr. Barnes:** We will. Thank you.

Having said that, I just wanted to comment on our recommendations. The first four recommendations that we have for the committee today are all based on the discussion of the standards development committees that are to be established for Bill 118. We feel that it's very necessary and very important that sufficient staff be allocated to these committees and that these committees be allocated to every single sector that is going to be affected by this bill, and not just makeshift sectors and shifting sectors.

We ask that the standards committees all be established within 12 months from the effective date of proclamation of the ODA. We would also like to say that the standards committees should be made up of individuals from across the province, including representation from stakeholder organizations, including municipalities, members of the accessibility advisory committees already established over the last two years and a representative spectrum of both visible and invisible disabilities, and that they be determined by a well-appointed public process.

Further, we hope that a mechanism be established for these standards committees, a process that would allow for municipal and public recommendations to the committees, as well as recommendations from individuals from the disabled community and, on top of that, an

appeals process, or a way to establish a complaint or an appeal to the committee on behalf of an individual.

**1020**

Further, we would like to say that the next two recommendations we'd like to put forth are based on funding.

The first recommendation has to do with funding for those standards development committees to be established. We hope that the funding to establish the committees will come from the province within the first 12 months, as I said. We also hope that there will be sufficient funding provided by the province for all sectors, including all municipalities and all individuals with disabilities, to assist with the smooth implementation of the Accessibility for Ontarians with Disabilities Act.

The final recommendation—and, again, this is something that hasn't been passed by council—I wanted to put this forth to you as well. Something that we wanted to add is that, included in the implementation of the bill, or after the bill is proclaimed, an extensive marketing and advertising campaign should be put forth to support the bill so that the execution of the bill is effortless and to ensure ongoing public support, so that the new ODA will become a strong bill that's supported by the private, public and individual sectors of the province.

**The Chair:** We have about nine minutes for questions—three minutes each. We'll start with the Liberal side.

**Mr. Kim Craiton (Niagara Falls):** It's a pleasure to have all three of you here. I was looking at the recommendations as a newly elected MPP from Niagara Falls and, formerly, city council. This is really well put together. If I was sitting on your council, I would be endorsing it, just so you know.

There are a couple of things, though, that I wanted you to elaborate on, because I think they're really important. I will say to you—and I think I speak for all the members, but certainly for myself—that this is our second day, and I'm just amazed at what I have learned about disabilities in a day and a half. I'm embarrassed to say that I thought I knew, but listening to the people who came in and their personal stories, the difficulties they faced far outweighed anything that I ever imagined. I have a number of personal friends who have disabilities, and we've talked many times, but to get input from across the province is truly amazing.

I really like a couple of things in your recommendations—the last one. It says, "And further, that a comprehensive advertising and marketing campaign be established to adequately encourage an effortless execution of and ensure ongoing public support of a new AODA." I wonder if you could elaborate on what you or the committee were thinking of when you put that forward.

**Mr. Barnes:** I guess I'll comment on that because I added it yesterday, as chair of the advisory committee.

**Ms. Naz Husain:** With our support.

**Mr. Barnes:** Everybody is supportive, of course.

The idea came to me as something that was suggested by a friend of mine who is in the business world but is not part of the disability community. It was put forth that



if they saw commercials on TV that explained why there was more need for accessible vehicles or transportation and why there was a greater need for the public sector to buy into the fact that we needed better accessibility to buildings, both physical and structural, in terms of visual disabilities, or the way they're put together with different types of glass and things like that—you mentioned that you've learned so much in the last day and a half. If we had a great marketing campaign with advertising on buses or commercials on TV, how much would the public learn about all this as well? I think that's very important, in terms of a smooth transition from not having a strong ODA to having a strong ODA.

**Mr. Craitor:** Excellent. Thank you, Glenn.

**The Chair:** Thank you very much.

**Mr. Barnes:** My colleague would like to add to that as well.

**The Chair:** Please.

**Ms. Husain:** If I could just add to that, the mass media is the quickest and easiest way to reach out to so many people at the same time. As we know, through TV and radio we learn instantly about so many things that happen around the world. Won't it make common sense to learn about the AODA, bring it right into the household so you can outreach to so many individuals at the same time, educate them and make them aware? I think overall it would make it cheaper for the government to educate the masses.

**The Chair:** Thank you. If we don't have your name, will you please leave it with our staff before you leave.

Mr. Jackson.

**Mr. Jackson:** Glenn, you've indicated the need for funding for those persons who sit on the various standards committees. But you're not being compensated to sit on your access committee currently. Is that correct?

**Mr. Barnes:** That's correct. I'm sorry if I misspoke there and so you misinterpreted what I said. It was not for the individuals sitting on the committee themselves but for the establishment of the committees to make sure they are well funded, to make sure they are able to function as they need to function.

**Mr. Jackson:** Thanks for the clarification.

You're in Peel and you're talking about Hazel McCallion. Of course, her first concern was, "Cam will agree to any kind of regulation, but as long as the province will pay for it." I'm sure that has come up in some of the discussions with your organization. What opinion do you have about the ability of the province to support the new standards and changes? Should that be in the legislation, Glenn?

**Mr. Barnes:** To be honest, the funding issue for me is one that obviously has a need for careful consideration. However, as an individual with a disability, who acquired their disability almost 13 years ago, it is something that I've heard right from day one: "We'd like to do it but we don't have enough money to pay for it." Quite frankly, I think it needs to be addressed not as a problem but as a solution. We can't have an ODA without having funding to go along with it, and we can't just say, "It's going to

cost too much money, so we can't do it." Accessibility and the Ontarians with Disabilities Act need to become a part of everyday business. It can't just be, "This sector is going to add this much and this much each day or each month or each year as it goes by." I think it needs to become a part of everyday business for every ministry, for every municipality, for every committee, for every area established.

In terms of funding, it's something I've learned—maybe I kind of knew, but I was a little bit naïve about the fact that in terms of accessibility committees, when you work for an accessibility committee that is on the region, you always have them talking about the need for funding from the province. Then you've got the municipality, the city of Mississauga, saying, "We need more money from the region." So everybody is saying they need money from everybody else. It's time to sit down and say, "Look, let's give some money out and let's put some money into this bill so that it works properly for everybody."

**The Chair:** Thank you.

**Mr. Marchese:** Mr. Barnes, some quick questions to you. Other individuals have commented on the fact that we need some strong monitoring and enforcement systems. The problem with this bill is that with respect to compliance, "A director may review an accessibility report filed under section 14 to determine whether it complies with the regulations," it says "may," "a director may." It's easy to understand that that person might do it or might not; there is no obligation to do it. Does that concern you or do you think it will be OK, that we can trust the government to do this right and the directors to review it, maybe or maybe not? How do you feel about that?

**Mr. Barnes:** I don't know. If I speak on my personal beliefs—

**Mr. Marchese:** Yes; personal, of course.

**Mr. Barnes:** My personal belief: I would like to see it have more teeth to say that they will do it. As an individual who acquired a disability, I've seen two sides of life. I've seen the side of life without a disability and I've seen the side of life with a disability, and quite frankly, they're two completely different lives. I'm almost appalled at the fact that things happen in this day and age that happen in what we don't call well-established countries. I would like to see more teeth behind it to say that it will happen, not that it just may happen.

**Mr. Marchese:** Nothing in this act says that anything has to happen before 2025, the government argues. But we've got these cycles, these committees that do the standards and accessibility setting, and some of us believe that 20 years in these five-year cycles is rather long. We think they could be reduced. If you had three-year cycles, the whole process would take 12 years. In my view, it's reasonable.

Is there anything in your mind—personal, of course—to think that somehow we need the extra time? And do you think that if we have it in three-year cycles—because, you remember, governments now will have

elections every four years, not every four and a half or five—it would force the government to be able to complete a cycle and even begin another one? Would it not be better to have three-year cycles, in your view, than the five-year cycles?

1030

**Mr. Barnes:** That was something our committee did talk about, and we were going to put it forth as a recommendation. We decided that we didn't want to push too hard in terms of having a cycle determined before the actual bill is determined. We think that five years is too long as well. We actually talked about four years, but I like your suggestion of three even better. I think if it fits better within the government structure in terms of re-election for the government in power, then three years is definitely something that's doable.

Our discussion was that if you knock just one year off the five-year sectors they've talked about, you're already down to 16, from 20. So I like the suggestion of 12. Maybe we'd fit it somewhere between 12 and 16, with some applications made for undue hardship or inability to transform to the codes set by the standards committee. They could reapply for an extra sector in it.

**The Chair:** Thank you, Mr. Marchese. Mr. Barnes, thanks very much for your presentation and comments.

#### CANADIAN AUTO WORKERS

**The Chair:** The next presentation will be from the Canadian Auto Workers. Good morning to both of you. Please proceed.

**Mr. Raj Dhaliwal:** Mr. Chair and members of the committee, on behalf of the Canadian Auto Workers we are making a brief, of which you have a copy available.

**The Chair:** Yes, we do. We need your name too, sir.

**Mr. Dhaliwal:** My name is Raj Dhaliwal. My colleague with me is Lisa Kelly. We are both going to share our comments, and I would like to start. We welcome the invitation to attend before the standing committee to share our thoughts and concerns regarding Bill 118, the Accessibility for Ontarians with Disabilities Act, 2004.

CAW is Canada's largest private sector union, representing over 260,000 members in more than 2,100 workplaces across the country. Approximately 180,000 of our members are in Ontario. In addition to the auto and auto parts sector, we represent workers in a wide variety of industries and sectors across the country, including aerospace, health care, education, gaming, retail, railways, fishing, mining, airlines, hospitality and transportation.

Our union has a long and proud history of challenging discrimination and promoting equality. Before turning to our submission for Bill 118, I would like to give you a sense of some of the activities we have been involved in on behalf of our members, with a specific focus on our members with disabilities.

We first bargained equity programs with General Motors in 1984, and with Chrysler and Ford in 1987. Since then, we have bargained with many other em-

ployers. CAW's success includes language in our collective agreements providing for return-to-work programs, which include training and accommodation for workers with both work- and non-work-related injuries and disabilities; TTY/TDD phones and vibrating pagers to help our hearing-impaired members and the right to refuse work when being harassed based on disability.

We have bargained preventive measures such as ergonomics requirements and joint labour-management programs in workplaces.

We have specific courses on human rights. Within these courses, we deal with issues facing workers with disabilities, including the duty to accommodate. We recognize that one of the biggest challenges facing people with disabilities is the attitudinal barriers that exist in the workplace and in society.

We hold human rights conferences for our members. We have included disability issues, including mental health issues, as a focus for the last two conferences.

At our education centre, in Port Elgin, we have strived to create and maintain a barrier-free environment.

Through one of our local unions, the CAW sponsors an eight-week American Sign Language course twice a year. We also provide sign language interpreters in our educational courses as needed.

The next section is on the status of people with disabilities. I'm not going to read it, because the numbers are obvious, and we know that people with disabilities face enormous poverty. The numbers are publicly available, and I'm sure other organizations will present those numbers.

I just want to focus a little on the report of the Ontario Human Rights Commission, though. The struggle for workplace rights is reflected in the most recent statistics from the Ontario Human Rights Commission. In 2003-04, complaints on the basis of disability made up the single largest number of complaints, at over 57%, and 77% of those complaints were in the area of employment. It is abundantly clear that the reactive, complaint-driven remedies are not working. People with disabilities deserve strong proactive legislation.

The strengths and limitations of Bill 118: We are pleased to see that the proposed legislation addresses the broad spectrum of barriers that prevent the full participation of persons with disabilities in all aspects of Ontario life. In particular, we are encouraged that the government has heard the call of many disability groups, as well as the CAW, in making the legislation applicable to the private sector.

Although the bill applies to the elimination of barriers in the provision of goods, services, facilities and accommodations, our submission today focuses primarily on workplace issues.

My colleague Lisa Kelly will touch on some of these items.

**Ms. Lisa Kelly:** We've brought forward a couple of comments on the bill. As Mr. Dhaliwal said, we're going to focus mainly on the bill as it applies to private sector workplace issues.



First, we're happy to see the proposal for the establishment of a standards development committee, as well as an Accessibility Standards Advisory Council. We know that some of the bones of that exist under the existing ODA with regard to the public sector, and we're happy that that's going to be extended to the private sector. We're here to argue for a clear and legislated role for the labour movement in those advisory committees. We think this is important because we have a lot to offer in practical experience around workplace and equity issues.

In addition to having these committees and councils, we also would like the government to actually legislate a joint workplace accessibility committee; so not only have broad standards set in committees but to have a body within each workplace, or workplaces of a certain size perhaps, that will deal with the barriers that exist within that specific workplace.

We think that committee will work best when it is a joint effort of both the employer and the bargaining agent. We can work jointly with the employers in examining the workplace, identifying the barriers and making proposals and timetables to remove those barriers. As my colleague mentioned, we have experience in bargaining these measures in workplaces already, and I think that is something that has been shown to have a successful track record. The labour movement needs to be at the table at the beginning doing an analysis of the barriers and preparing a plan to move forward and opening up access to the workplace for people with disabilities.

1040

One thing, to carry on from the earlier speaker, is that it is very important how this legislation and the actions under the legislation are received. In addition to doing a public campaign, I think campaigns within the workplace have been shown to be very successful, where the workplace individuals are educated in why changes within the workplace might be happening and where we're going together, and the union needs to be involved right from the start to have credibility with the workforce.

There are a couple of areas that we wanted to touch on specifically with Bill 118. On the issue of attitudinal barriers, we think it's very important that we're looking at mobility barriers, things that are fairly easily identifiable—stairs, widths of doorways. But the much tougher barrier and the thing that will really require all of us to put our efforts and our creativity forward is the attitudinal barrier. We commend the legislation for recognizing, not only the width and breadth of disabilities that need to be covered, but the breadth of barriers such as attitudinal barriers.

One of the things we are really recognizing within the workplaces we represent is the rising awareness of mental illness. Mental illness, in particular, has its own challenges around barrier elimination. Again, it's something where, from our experience, we have a lot to offer in bringing that barrier down.

On the enforcement issue, again, we are a little bit concerned that the enforcement may not be strong

enough under the bill, as proposed now. We have experience in the fact that voluntary measures don't work. There must be meaningful sanctions or else barriers will never disappear. Under the bill now, inspectors are utilized to enforce the law and we need to know that there is a clear commitment to a proper number of inspectors to ensure that the legislation is enforced.

We've made a comment on the regulations. There is always a concern when a piece of legislation comes forward where, really, the meat of the legislation is going to be found in the regulations. We'd ask that some of that be moved up into the body of the legislation.

The last specific comment I'm going to make is on the timeline, and this is likely something you are going to hear from a number of groups. We believe that 20 years is just too long. We don't think that there is anything in this bill that really expands on existing legislation. It's just there to be enforced in a proactive way. There are going to be some things that are very large changes that may require the 20-year time frame, but we think those are very few and far between. Other measures need to be put in place immediately. I'll turn the mike over to my colleague.

**The Chair:** You have about a minute left.

**Mr. Dhaliwal:** Just a last comment: We welcome the opportunity to be active members in the fight for inclusion of persons with disabilities. Part of that, I just wanted to say, is we are working on an advertisement of our own and trying to put it in some publications.

One of the comments made earlier was that the mayor of Mississauga—where I happen to be a resident and taxpaying member—says, "If the province will pay." The last word we are saying is it is up to all of us at all levels of society—be that cities, be that the provincial government, be that other bodies—to share the responsibility. We must contribute toward this. As a resident of that city, I felt it was offensive when one particular mayor tried to say, "We will only do it if somebody else gives the money."

**The Chair:** Thank you, Ms. Kelly and Mr. Dhaliwal, for making your presentation. There is no time for questions.

## CANADA'S ASSOCIATION FOR THE FIFTY-PLUS

**The Chair:** The next presentation will be from Canada's Association for the Fifty-Plus. Do we have anyone here from Canada's Association for the Fifty-Plus?

Is it Ms. Morgenthau?

**Ms. Lillian Morgenthau:** Very good.

**The Chair:** Thank you. Good morning. You can start any time you wish. We will be listening to your presentation. If you leave time within the 15 minutes, they will be asking some questions of you, or making comments. They have a choice.

**Ms. Morgenthau:** I look forward to it. I must be 40; I need my glasses.

**The Chair:** We all wear them.

**Ms. Morgenthau:** Let me begin the formal part. Mr. Chairman, members of the committee, thank you so much for the invitation to be here today. I am Lillian Morgenthau. I am president and founder of CARP, Canada's Association for the Fifty-Plus. We have over 220,000 members in Ontario, so this legislation is of greatest importance to us, as it must be to all affected Ontarians.

CARP is a non-profit association. We do not receive any operating funds from government, which allows us to maintain our independence and neutrality. Our mission is to address and express the concerns of mature Canadians and to provide practical recommendations.

I have read Bill 118, all 30 pages of it, and I must commend those who prepared it.

Accessibility for the disabled means independence. It opens up the door of isolation. Although disability comes in many forms and is not restricted by age, it is nevertheless an inescapable fact that age and the restrictions that come with it do affect health. Accessibility will enable disabled people to participate in services and employment, thereby increasing spending and earnings to the financial benefit of society.

Canadian society will age, as 9.8 million baby boomers, people born between 1947 and 1965, all turn 65 by the year 2020. One out of every four Canadians will soon be over 50 years of age. The statistic from the Ontario Ministry of Finance in fall 2004 is that in Ontario the over-50 population is 3,675,560 people. The numbers of disabled for the over-65 age group are 21% from 65 to 75, 28% from 75 to 84, and 45% over the age of 85.

This legislation is very timely, and it looks to the future. Although my remarks have to deal with the over-50, the recommendations will benefit all ages.

The legislation deals mainly in part I with interpretations of building standards for accessibility. Nowhere did I find standards for municipalities such as sidewalk-accessible curbs, ramps where needed and other easily implemented accessibility improvements. Granted, many of these are available, but not all. This bill should include that.

New buildings, those from approximately 1980, had accessibility built right into them and there was an awareness of the need to consider these improvements, but they still must conform to Part III, accessibility standards, as laid out in Bill 118, and rightly so. However, heritage buildings that cannot conform must have some leeway to remain. Restrictions that are unrealistic must be respected, and our history must not be destroyed. There is no provision for buildings that cannot convert and whose services can be obtained elsewhere. Accessibility is essential and must be available to the public, but we must not lose sight of responsibility where it's impractical. The disabled have the right to use other facilities that are available and are the same.

**1050**

Under the consultations with ministries section of Bill 118, the delegation of ministers' powers opens the door

to establishing committees that would establish developments for a particular industry. While this is good, because the committee must contain persons with disabilities or their representatives, it does not specify that these persons must be from different disability areas, and not only one.

The whistle-blower protection under the area of intimidation is a needed clause.

The ministry appears to be very bureaucratic and over-layered with too many committees: standards development committees, accessibility advisory committees, the Accessibility Standards Advisory Council, the Accessibility Directorate. Then directors and inspectors, by a power of order, can override all the committees' rulings. So much for committees.

The establishment of these committees does not say if the members are volunteers or are to be paid. This should be established as part of this section in Bill 118.

In the area of classes, as professed in Bill 118, we recognize that there are differences between industries and indeed small business. It is essential that businesses and buildings with large public traffic have washrooms available for the disabled and that some form of accessibility be available from the lobby to floors above. We recommend that municipal offices and corporations such as banks have lowered counters with seating available for the disabled. It's very difficult for many to wait in long lines and look up to and reach high counters. Many of these small adjustments would be easy to install.

A concern we have with this bill is that it will not be in complete force until 2025. Twenty years is too long a window for improvements. Many people who currently suffer with disabilities will be dead. Furthermore, one in four Canadians will be 65-plus and therefore we will be seeing more disabled. Ten years would be sufficient to give government, industry and business the time to make any necessary changes. We also need timelines and markers of progress put into place.

CARP does endorse Bill 118 in principle. I thank you for your time.

**The Chair:** Thank you very much for your presentation. We have about a minute each. I'll start with the PCs.

**Mr. Jackson:** First of all, I want to welcome a long-time friend, Lillian Morgenthau, to the Legislature. I can't begin to count the number of times you've come to present on behalf of the seniors you care about so very much. You haven't disappointed us in terms of your having additional insights into the concerns facing so many individuals in our province.

Lillian, you have an ability to set priorities, like what things should be changed first. Could you speak to us about that? Through your magazine and your outreach and advocacy, whether on drug reform or other things, I know you've touched a whole lot of seniors' lives throughout the many years I've known you. Where would you suggest to the government that they begin in terms of priorities: health services? access to education? What are the kinds of priority areas you'd want us to get started on almost immediately?



**Ms. Morgenthau:** I think, Cam, that if you talk to somebody who has a problem with mobility, all they would say to you is, "I want to get out. I want to be able to move as everybody else does." Now, they'd move differently; they may move in scooters or they may move with canes, as I've had to do. But basically, it's a frightening thing to walk out of your house and not be able to get where you're going. So my priority when we talk about disability is we should talk about access.

Health is another area that I don't think this bill can touch. This is really a bill on buildings, on access, on how to go from one place to another, and I think for that you do have to have one committee. I don't think you need 10 committees to do one job. I think that if a ruling comes from a committee, it should be a ruling, and not be overcome by an inspector or a director.

**Mr. Jackson:** Or the cabinet.

**Mr. Marchese:** Lillian, some quick questions—

**Ms. Morgenthau:** Quick answers.

**Mr. Marchese:** Quick answers, exactly. Do you believe members should be paid or should be volunteers on the accessibility standards committee?

**Ms. Morgenthau:** That's a very touchy question.

**Mr. Marchese:** What do you think?

**Ms. Morgenthau:** Well, I think that you have to pay them.

**Mr. Marchese:** It's as simple as that.

**Ms. Morgenthau:** Certainly, you have to pay their expenses. Parking downtown is 20 bucks.

**Mr. Marchese:** I hear you. I think they hear you.

The other question is, you were saying some heritage buildings should not be touched in order to create accessibility. I imagine that'll make sense to a whole lot of people, even though that would create a barrier for some people to be able to get to see these buildings. But if you extend that logic to heritage buildings, would you say the same thing of some businesses?

**Ms. Morgenthau:** I think, like I said, you have to have some practical recommendations. Some places are being destroyed because they cannot—absolutely cannot. But again, if you're talking about a public building, there are elevators—small ones—that can be put in. You have to have a brain in your head to decide that you can't put a huge elevator in a tiny little area, but if you could put in an elevator such as I put into my house, there is no problem. You can always find space for that particular type of elevator. So there really is no building that is not accessible. What is inaccessible is the rules that we put in that we can't change.

**Mr. Ramal:** Thank you for your presentation and for coming to this committee to present your thoughts, ideas and recommendations for us.

**Ms. Morgenthau:** It's a pleasure.

**Mr. Ramal:** Welcome. My question is just a continuation of Mr. Marchese's questions. Before you presented your recommendation, a group of businesspeople came from Yorkville and were talking about how accessibility would hurt their businesses and also that it would be impossible to make their places accessible, even if they

installed an elevator or escalator or whatever. Their stores are very small, very narrow, and then a wheelchair or scooter wouldn't be able to move inside the stores.

I heard you mention how the heritage buildings shouldn't be touched.

**Ms. Morgenthau:** I didn't say that. That's not what I said. I said they should be preserved.

**Mr. Ramal:** Preserved. So what's your thought about what the Yorkville people—

**Ms. Morgenthau:** If it's a business like that, what I also said—and I don't know whether you listened very carefully. I hope you did.

**Mr. Ramal:** Yes, I did.

**Ms. Morgenthau:** What I said was that if the person who has a mobility problem can get the articles elsewhere, they should go there and get them. If you can't get something, then the business probably should be able to come to you. I don't know about you, but I find that if you can't make it to your bank, they always send a clerk to help you out. The same thing would happen with a business. You don't destroy someone's livelihood by saying you can't get into your store. What you say is, can you get this article somewhere else?

1100

**Mr. Ramal:** If a group of people offers accommodation, do you think they should be exempted from Bill 118?

**Ms. Morgenthau:** You have to take a good look at it. As I said, there are ways of getting people into your place that may not be exactly what we call—

*Interjection.*

**Ms. Morgenthau:** But if you can manoeuvre, do it. If you can't, then look at it and say, "Can you get this article somewhere else? Can you go to another show?"

**The Chair:** Thank you for your presentation and for answering our questions.

**Ms. Morgenthau:** Are you kicking me out?

**The Chair:** You have done a good job. I won't argue with you on this one.

**Ms. Morgenthau:** Thank you very much. And I am available if you wish to call me.

**The Chair:** OK.

**Mr. Marchese:** Only to give access to other people.

**Ms. Morgenthau:** Of course, and they have every right. But call me any time. My door is open.

**The Chair:** Thanks again.

## ONTARIO MARCH OF DIMES

**The Chair:** Our next presentation will come from the Ontario March of Dimes. Please have a seat. There will be a total of 15 minutes for your presentation and potential questions. You can start at any time. Introduce yourself and let me remind you to speak slowly so that everybody will be able to appreciate your presentation.

**Mr. Ron Kelusky:** Good morning, honourable members of the committee. It is indeed our pleasure to make this presentation to you this morning. My name is Ron Kelusky. I'm the vice-president and chief operating

officer of Ontario March of Dimes. With me is Mr. Steven Christianson, our government relations coordinator, who will deliver part of this presentation, as well as Glen, Sandra and Spencer McGillivray, who are program participants with Ontario March of Dimes' conductive education program. Sandra and Glen will make themselves available for questions or comments following this presentation.

Committee members, with our words of recommendation and with the suggestions and advice you have received from other organizations and individuals, I would like to remind you that Bill 118 will do more than create a barrier-free Ontario. It represents a template of hope, a newer measure of quality of life. Remember that each of you is writing the future for young Spencer and, in doing so, will help create a society where he will have the same opportunities and chances as everyone else. If you imagine what he can do and what he will become after we remove the barriers in front of him, imagine how richer our society and our economy will be.

Ontario March of Dimes is one of the nation's largest charitable rehabilitation organizations. We deliver programs and services to upwards of 25,000 people throughout Ontario working to build a society inclusive of people with physical disabilities. And that's more than just a mission statement for Ontario March of Dimes; it defines why we provide affordable congregate care facilities, it defines why we administer home and vehicle modification programs all over the province, it underscores our passion and stroke recovery services in post-polio support and through our strategic employment services. More than just a mission, these words embrace our passion for helping increase mobility, motor skills and independence through our conductive education program.

That mission also reminds us that we are and we must always be advocates for all Ontarians with disabilities. Ontario March of Dimes has been at the forefront of public policy advocacy for people with physical disabilities, as well as many other disabilities, for more than half a century. Let us be clear: Getting to this point has been a long, arduous and often painful journey, impressing various governments to embrace and promote accessibility for Ontarians with disabilities.

Ontario's first such legislation, the ODA, passed in 2001, provided at least some legislative momentum and awareness and reminded all of us in the disability community why we had to advocate even harder. We can say today to all of you on this committee that all of our efforts finally seem to be paying off. As you are aware, this legislation represents perhaps the most aggressive public policy attempt to achieve a total barrier-free society with the participation of all sectors. We applaud you and all of the participants and stakeholders who helped inspire and draft this bill.

One such person in our own Ontario March of Dimes family is no longer with us. Some of you might remember the advocacy work of Ontario March of Dimes in the late 1990s, when standing committee hearings were being held for the first ODA. One young woman,

named Janet Youdell, stood before this committee as members listened to her impassioned speech calling for inclusion, accessibility and equality.

Janet was the presenter for Ontario March of Dimes and was reminding members why the ODA was required in the first place. Janet was told by counsellors many years prior that she was unemployable due to her disability. She proved them wrong. She held a number of positions with Ontario March of Dimes for 14 years, helping to make a profound difference in the lives of others with physical disabilities.

Janet lived for nearly 50 years with cerebral palsy, which was sadly worsened by a number of severely debilitating strokes. Many of you who remembered Janet as one of our lead advocates will know that she died just before Christmas. Her legacy, however, remains in the work we are inspired by, in her advocacy here at Queen's Park, in her work reminding governments in this Legislature how we make society inclusive with people with physical disabilities—indeed, how we make Ontario a model society of inclusion and accessibility. So part of our message here today is dedicated to the work and memory of Janet, and part is focused on technical advice.

While we have a number of recommendations designed to strengthen the legislation, Ontario March of Dimes supports the intent, purpose, trajectory and proposed outcome of Bill 118, Accessibility for Ontarians with Disabilities Act. We were instrumental in the province-wide consultations that helped develop Bill 118. We have contributed as key stakeholders in round-table sessions as well, and we have had representation at each ministerial briefing and policy workshop in the fall. We were assisted in developing many technical details in the bill as regards enforcement and compliance measures.

Can the bill be stronger? It can. Can it be fine-tuned? I guess all legislation should be. But, committee members, what you have before you today is a fundamentally sound piece of legislation. Bill 118 represents good public policy and good government.

From a policy perspective, as they say, the devil's in the detail, and my colleague Steve will provide you with some sound and constructive suggestions.

**Mr. Steven Christianson:** Our first recommendation pertains to consistency of reporting accessibility plans.

Over the fall of last year, Ontario March of Dimes reviewed the accessibility plans of all of Ontario's colleges and universities as part of our research for a submission to the post-secondary review. The results of reviewing these plans were enlightening, and we encourage the members of this committee to review that submission, a copy of which we have with us today, as it speaks directly to issues of accessibility in post-secondary institutions in the province.

The fact is there was no consistency among any of the accessibility plans, whether in format, layout, content, scope, application or time frames. Some of the plans were a few pages in length; others were hundreds of pages. Most plans were posted on-line; some were not. Some plans addressed only physical structures, while



others were treated by their accessibility committees as full, living documents or as a measure of the quality of campus life and inclusion.

We want this committee to be aware that there is at least an effort and awareness among Ontario's colleges and universities that did not exist prior to the enactment of the current ODA. Our research of the post-secondary sector made it abundantly clear that anyone required to file an accessibility plan or report, regardless of sector, would need a consistent reporting system.

We strongly encourage that a very specific guideline or template be provided to institutions that will be required to prepare and file accessibility plans and reports. This desire, in fact, has been expressed by several post-secondary institutions that truly want to advance inclusion and accessibility but, in some cases, need greater guidance.

As we move to our next recommendation, we consider how accessibility standards will be developed, defined and administered. Standards committees are currently provided for in Bill 118. With integral participation and membership by people with disabilities, we feel this is an excellent feature of the bill. To strengthen this component of the bill, Ontario March of Dimes recommends that standards committees be established on an industry-by-industry basis. Some industries and sectors will undoubtedly be more challenging than others, and some perhaps deemed of a higher public priority, such as, for example, public transportation. An industry-by-industry breakdown for standards committees, we feel, represents a far more efficient and effective way of identifying and working toward eliminating barriers.

**The Chair:** May I ask you to slow down a little, please?

1110

**Mr. Christianson:** Yes. We also recommend that classes of Bill 118's application in the private sector be considered variously and tailored to the size and nature of the business, which is mostly captured in the current version of the bill. While we do not suggest that the overall time frame be changed or altered in any way, this committee may want to consider the unique challenges that small businesses may face. We have heard from many small business owners who genuinely want to fully participate in achieving a barrier-free Ontario. However, the capital and financial leverage in retrofitting some establishments, especially in older urban neighbourhoods, will certainly be more challenging for the sole proprietor or the ma-and-pa establishments than it will be for, say, the large-sized corporation.

As such, application to Ontario's small business sector may be more effectively implemented if done through a phased-in approach but one that still achieves the ultimate objective of the bill within the overall specified time frame. We believe you will more fully see the merit in this recommendation as we speak to our next point, which we feel are among the critical factors of success.

**Public education, outreach and awareness:** The success of Bill 118, when it comes into force, will depend in

large part on the awareness and understanding that Ontarians have of the overall effort. Ultimately, implementation is far more effective if the various sectors of Ontario's economy voluntarily buy in and participate. Ensuring that Ontarians are aware of the bill, of its purpose and intent, of its compliance procedures and time frames, will be critical, or as critical, let's say, as notifying taxpayers of new regulations in income tax filing. It will be absolutely critical, therefore, that sufficient and appropriate resources for province-wide communication, promotions, and public education materials be written into the financial implications of Bill 118.

**Reporting back to the public:** Just as it will be important to communicate to the public during the initial phases of Bill 118's implementation, it will be critical to report back to the public on how well we are doing with the legislation and to what degree we are achieving a barrier-free society. Public reporting and accountability can be accomplished through annual reports tabled in the Legislative Assembly.

**Horizontal policy coordination:** Through the planning and budgeting systems for each ministry, agency, board, commission and crown corporation, we recommend that a specific budgetary allotment now be made in each provincial budget, as well as in the individual organization budgets, for accessibility planning and implementation. As a cross-cutting piece of legislation, there must be policy coordination along horizontal lines for effectiveness.

**Special attention will need to be given to institutions that are publicly funded, such as public transportation entities, colleges, universities, public schools, local libraries etc.** To this end, we recommend that the bill include a provision for each ministry to employ or retain an accessibility point person, and that, in coordination with the Minister of Citizenship, an interministerial coordinator be established to identify efficiencies that may help all areas of the government eliminate barriers or keep abreast of issues with other levels of governments that may give added financial leverage, such as the federal transfers of gas tax dollars.

**Including barrier-free design services:** Bill 118 provides for monitoring procedures through the establishment of enforcement and compliance officers. In the instance of non-compliance, we ask the question, will a barrier-free design expert provide the necessary instruction in order for that company or organization to comply? Just as there will be a funding allotment for enforcement and compliance officers, we recommend the inclusion of funding for barrier-free design experts. We also have to be proactive in implementing this solution. After all, if all of Ontario is to be barrier-free, then the role of the barrier-free design expert will become pivotal.

**Incentives:** Finally, we strongly agree with the use of incentives as a means of implementing Bill 118 and recognizing success among Ontario's champions of accessibility. We recommend that such incentives be deliberated in cabinet and be subject to cabinet approval and not solely to the minister of the day. We further

recommend the use of tax incentives through the Ontario tax system and reinforced in the provincial budget as a particularly effective means of removing barriers. Imagine an accessibility tax credit. Use of an accessibility tax credit could recognize the costs of construction for an elevator in a public school, for example, or for the retrofitting of the washrooms in a small restaurant, which can help smaller institutions in particular with their planning and budgeting for accessibility improvements. This also requires no cash outlay from the provincial treasury.

**The Chair:** Thank you. The time is over, unless you have something quick to finalize.

**Mr. Kelusky:** Just very quick. We would like to achieve a barrier-free Ontario sooner than the 20 years, but we recognize that there are increments of barrier removal written into the bill and significant progress will be visible every two to five years. With the recommendations of the Ontario March of Dimes, as well as the ODA committee, we feel Bill 118 will in fact stimulate changes in our society much sooner.

Bill 118 is more than a bill, it's an accessibility revolution, and a revolution of accessibility is exactly what we need to get rid of the barriers in front of Spencer's future, not to mention millions of others' in Ontario. Thank you, sir.

**The Chair:** We have your presentation here. Thank you for coming today.

## AUTISM SOCIETY ONTARIO

**The Chair:** The next presentation will be from the Autism Society Ontario. Are they in the room?

While you take your place, just a couple of reminders. Fifteen minutes maximum, including time for questions and comments from members. When you speak, please do not forget that we do have some people with disabilities present. We want everybody to appreciate your presentation as much as possible. Thank you.

If you wish to start your presentation, you can do that. Maybe you can start and they can work on that. Any time you are ready, please proceed.

**Ms. Leah Myers:** Good morning. My name is Leah Myers, and this is Margaret Spoelstra, the executive director of Autism Society Ontario. I am president of the Durham chapter and, perhaps more importantly than that, I am the mother of a 10-year-old son with autism.

We are here today to offer our contribution to the Ontarians with Disabilities Act, what Autism Society Ontario finds to be some shortcomings and what we suggest in order to bring those shortcomings up to a level that enables Ontario to be accessible to everybody.

1120

First of all, a little bit about Autism Society Ontario: Autism Society Ontario seeks to provide information and education while supporting research and advocating for programs and services for the autism community. The vision of Autism Society Ontario, also known as ASO, is acceptance and opportunities for all individuals with

autism spectrum disorders. Our mission is to ensure that each individual with ASD is provided the means to achieve quality of life as a respected member of society. The six key areas of focus of our organization are advocacy and support, research, best practice, government relations, public awareness and governance. Our values are respect and support of family and individual choices, informing families, integrity, confidentiality, commitment to continuous improvement, universality and supporting research. So that's who we are and where we're coming from.

A little bit of background about autism: It's a huge topic which cannot be summed up in 25 words or less; however, I'm going to try and give you a very brief overview. Autism is one of several pervasive developmental disorders. "Pervasive developmental disorders" is a diagnostic term that is used to include autistic disorder; Asperger's disorder, otherwise known as Asperger's syndrome; childhood disintegrative disorder; PDD-NOS, which stands for pervasive developmental disorder not otherwise specified; and Rett's disorder.

Why is PDD, or ASD as it's commonly known, important to Ontarians in addressing the needs of the Ontarians with Disabilities Act? We're not just talking about a rare disorder. It used to be considered rare, however it's estimated that today between 20,000 and 70,000 people in Ontario have some form, so it is not rare at all. It's one of the most common developmental disabilities, surpassing even Down's syndrome, cystic fibrosis and childhood cancer. It's very common. In my son's school alone, where there are fewer than 400 students, there are three children diagnosed with some form of ASD. And the number of people being diagnosed continues to increase dramatically.

The nature of ASD is a little bit different. Most of us are used to thinking of disability in terms of wheelchair access, for example, which is very important. But ASD is what we call a hidden disability. Individuals with ASD don't have any telltale signs. There is nothing physical that distinguishes a person with ASD from a person without it. It's a hidden disability. People with ASD tend to have problems, among other things, in the areas of social interaction and communication skills. Those are key. However, within ASD, there is a huge range of ability levels. Communication challenges can range from mild to severe. Approximately one third of individuals with ASD remain non-verbal throughout their lives. A majority of people with ASD have a significant level of cognitive impairment as well as communication disorder, although those with what we call Asperger's syndrome have more normal levels of cognitive functioning, and many of these individuals can in fact be quite brilliant.

Temple Grandin, who is renowned in the world of autism as a person who is living with the disorder herself, has been quoted as saying, "I can remember the frustration of not being able to talk at age three.... I could understand what people said to me, but I could not get my words out. It was like a big stutter, and starting words was difficult.... I can remember logically thinking to



myself that I would have to scream because I had no other way to communicate.”

Because many people with ASD cannot use language in a meaningful way, in fact, they do not have a voice, and we have to be the voice for them so they can speak to these issues.

There are a number of barriers that are facing people who have ASD. By barriers, I don't mean narrow doorways or staircases; I mean barriers that are more attitudinal in nature. Regardless of the functionality of an individual with ASD, these individuals all face very significant barriers throughout their lives. Things that we take for granted can be very difficult for people with ASD, like appropriate education, employment, leisure activities and supported or independent housing for adults. Those things that we all want and enjoy as Ontario citizens remain very elusive to people on the autism spectrum.

It's the view of Autism Society Ontario that much of the current legislation, including the ODA of 2001, does not adequately address the needs of people with ASD. So the question is, how will the ODA make a meaningful difference in the lives of people with ASD? Right now, the ODA overwhelmingly addresses barriers in terms of the physical, but there is little emphasis on the types of attitudinal barriers and policy barriers that constrict the lives of people with ASD. In order to make Ontario truly barrier-free for people with ASD, there are four areas in which changes need to be made to government policy. Those four areas include housing, day programs, the Ontario disability support program and education.

In terms of housing and residential services, historically most children with ASD were at some point in their lives placed in an institution. Today, this is no longer the case, and that can be a mixed blessing. On the one hand, it's really wonderful to see that we don't have to put so many of our children in institutions any more. However, there are consequences of this as well. The reality now is that most children with ASD do remain with their families throughout their childhood and very often well into adulthood. The majority of adults with ASD are not able to live independently. Many require a very high level of assistance with the basic necessities of life, such as dressing, feeding and personal hygiene.

Although adults with higher-functioning autism and Asperger's syndrome can do things like wash themselves, bathe, brush their own teeth and do housework, they may have different challenges. They may have difficulty managing the more intricate aspects of independent living, like household budgeting, household maintenance and developing the kind of social relationships that are necessary to function in society and take part in a meaningful way. The inherent challenges these people have of understanding the motivation and intentions of others have a direct impact on daily interactions, such as paying bills or dealing with sales persons. Developing and maintaining relationships is crucial to success in independent living, and the lack of that is a significant barrier to people who are cognitively more able but who may experience difficulties with social understanding.

At the moment, there are waiting lists of many years to access residential services across Ontario for those who feel that that is best. I notice that we are running low on time. I am going to skip over this. You do have it in your handout.

If the goal of the ODA is to encourage meaningful participation of people with disabilities, it must address government policies that fail to provide for adequate residential and housing services and recognize that appropriate housing and residential services for adults are essential if they are to be participants in the community. We would like to see a range of residential options, and there are some good examples of these, such as Woodview Manor in Hamilton and certain placements with Community Living Ontario. It cannot be underestimated how important housing is for these individuals. Lack of it leads to social isolation for the individuals and for the families looking after them.

Day programs are also very important. At the age of 21, when students are obligated to leave high school, there is nothing available for many adults with ASD, because they cannot hold down a job, because there are no social programs available for them. We need to provide adequate funding for community support agencies to help these individuals.

The Ontario disability support program: The level of financial support for this has not changed substantially in 10 years and, even with a low rate of inflation, this impacts on somebody's standard of living. It leads to increased financial hardship for persons who are dependent upon this. We would like to see a separate income and employment support program rather than a welfare type of system for these individuals, so that they can have the assistance they need to procure employment and to maintain employment. We would also like something that would help companies educate the public in understanding these invisible disabilities, things like job interview assistance and job coaching.

#### 1130

In terms of education, the ASO submission to the Ontario Human Rights Commission identified four major barriers to appropriate special education for students with ASD. The appeal process is cumbersome and lengthy. There is a terrible lack of specialized training on the part of teachers and individuals working with these students. The funding formula currently discriminates against students with ASD, and enforced short- and long-term absence due to things like suspensions and expulsions for behaviours that are not within the individuals' control are a huge barrier.

**The Chair:** Thank you very much for your presentation. We do have the package. It's part of the records. Thanks for coming.

#### ASSOCIATION OF MUNICIPALITIES OF ONTARIO

**The Chair:** The next presentation is the Association of Municipalities of Ontario.

While you take your seat, I would remind you that there are up to 15 minutes for the presentation, questions and comments from members. When you make your presentation, if you can keep in mind that we do have people present who wish to appreciate your presentation who may have some disability. If you can speak slowly, please, as slowly as you can—

**Ms. Sandra Hames:** I've been practising speaking fast so I could get through it.

**The Chair:** Well, to make sure that all of us will be able to appreciate it. Whenever you are ready, you can start, please.

**Ms. Hames:** Thank you, Mr. Chairman and members of the committee. My name is Sandra Hames. I'm a councillor with the city of Brampton, chair of the AMO barrier-free access working group and a member of the AMO board of directors. With me is Fran Coleman from the town of Huntsville, who's also on the committee, and Petra Wolfbeiss from the AMO staff.

The Association of Municipalities of Ontario, AMO, is, I believe, well-known to the committee members. AMO has been representing the interests of Ontario's municipal governments and advocating on behalf of Ontario's property taxpayers for more than a century. AMO is pleased to submit its comments on Bill 118 to the standing committee on social policy. It was just under one year ago that AMO had an opportunity to provide input on the ODA, 2001. Since that time, municipalities have accomplished a great deal in achieving barrier-free communities across Ontario.

AMO is pleased that the Accessibility for Ontarians with Disabilities Act contains revisions recommended in our March 2004 submission to the Minister of Citizenship and Immigration on changes to the ODA, 2001. Including the private sector in the application of the proposed AODA recognizes that people with disabilities use a wide variety of services outside of the public sector. Recognizing the importance of flexibility and that one size does not fit all addresses the reality of the wide variations within municipal government, including government structures such as regional governments, districts and counties, geographic location and size.

Still, many considerations remain in achieving the objectives outlined in Bill 118. This submission revisits a number of the recommendations put forth in our March 2004 submission and provides comment on areas of municipal consideration contained in Bill 118.

Municipalities strongly support the vision of a barrier-free Ontario, where residents enjoy equal opportunity and can participate fully in all that our communities can offer. Municipal governments and their residents have embraced the vision of inclusiveness, and many have collaborated through their accessibility advisory committees to create a vision statement for their own communities. The municipal sector looks forward to collaborating with the province and others on strengthening this vision and continuous improvements for accessibility for Ontarians with disabilities.

Perhaps the most important consideration in municipalities achieving barrier-free communities across On-

tario by the year 2025 is the current municipal fiscal context. If it is not rectified, Ontario's municipalities are caught in a fiscally unsustainable position. Municipalities deliver and fund a wide range of municipal services and businesses in our communities on which people rely, but as a result of historic anomalies in financing arrangements and with downloading, Ontario municipalities are in the unique position of being required to subsidize a wide range of provincial health and social services without sufficient means to pay for their own municipal responsibilities, particularly hard infrastructure like roads, bridges, transit, and sewer and water systems.

Municipalities also provide parks, community centres and libraries and, in some instances, human services—for example, public health, social services, transit and paratransit services. The result is that Ontario municipalities have the highest property taxes anywhere in Canada and a growing infrastructure deficit that affects both the health and safety of our residents and the economic competitiveness of our communities. This spills over to the province and our nation and creates a situation that affects communities of every size in Ontario.

In the face of this, our members could be hit with even more provincial costs if the province does not pay its share of the actual expenditures to deliver these services. There is currently a difference of about \$100 million between the actual versus the estimated costs for 2003 alone. For 2004, they are expected to well exceed \$100 million. This will result in a significant property tax hit.

The vision of barrier-free access is attainable if we work together, the province and all sectors supported by a long-term funding program.

Following are a number of recommendations that we believe will strengthen the intent and delivery of the act. It's important that the AODA contain guiding principles and values for the standards development process to ensure consistency across all sectors. As Bill 118 is currently written, it is unclear how inconsistencies in standards proposed by the various standards development committees, which may be presented for approval at different points in time, will be resolved.

In addition, a municipality or an organization may be required to meet several standards. To ensure there is adequate consideration of the impact on municipalities of these multiple obligations, it is recommended that AMO has a seat on all SDCs, which could apply to municipalities, and that AMO be represented on the Accessibility Standards Advisory Council.

Particularly relevant to municipalities, the bill states that accessibility standards may create different classes within a sector based on attributes, quality or characteristics, or any combination of these. This section recognizes the principle that one size does not fit all. We recommend including within section 6 a clause (d), which includes consideration of "the size and financial resources available to organizations." These are fundamental attributes of municipal government.

A further issue with standards development relates to the issue of competing provincial legislation. It is not



plausible to expect the SDCs will have, nor should have, the responsibility to amend provincial legislation or regulations that create barriers to accessibility. However, this issue must be addressed.

Our previous submissions suggested that the Ontario building code be amended so that all stakeholders involved in building and development are using rules that are effective, appropriate and equally applied. Currently, all building professionals rely on the Ontario building code to provide the minimum standards and specifications for accessible design. However, it's also been recognized for years that these standards are not adequate and need to be updated and synchronized with other associated legislation requirements, such as the Planning Act, and the Highway Traffic Act as it pertains to parking.

**1140**

Finally, the Ontario Human Rights Code and the Charter of Rights require that laws under Ontario's authority not discriminate because of disability. However, it's up to the individual to take the government to court and litigate on each barrier, one at a time. It is therefore recommended that, as we are suggesting commonality of standards and guiding principles across the SDCs, the government ensure that no laws create barriers against persons with disabilities and recommend that the province streamline legislation to ensure consistency in the removal and prevention of barriers to accessibility.

It's recommended that the area of accountability with the AODA be clarified and that the act designate lead ministries responsible for ensuring accessibility and implementation of the act and of the standards developed under the SDCs. We also recommend the identification of a process to mediate issues within and across SDCs that may stall the standard development process and the subsequent implementation of standards.

The proposed act is not specific regarding the long-term role of the provincial government in its application. It's our assumption that the government will remain committed and engaged in ensuring that Ontario becomes fully accessible to those with any form of disability. The act should clarify the role of the government and relevant ministries in the standard development process and in compliance and enforcement over time, with and across sectors.

We applaud the minister for including enforcement provisions and penalties in the bill. However, as currently stated in the bill, there is considerable flexibility in relation to the three areas of administration, compliance and enforcement under the proposed AODA. We recommend clarification under section 30 regarding who the minister shall appoint as directors; specifically, whether a sector representative, ministry representative, or other.

Additionally, we recommend clarification on who has responsibility for enforcement of administrative penalties and fines. Municipal responsibility for any of the three areas is a major concern. Enforcement of administrative penalties may mean increased costs for building inspectors related to private sector compliance. If the province

proceeds with an enforcement tool that requires municipalities to carry out this duty, appropriate revenue tools and resources to help municipalities meet the requirements must be provided. It must also be recognized that some municipalities may not have the necessary expertise and the resources. In these cases, what is needed from the province is assistance rather than penalties.

We have suggested amending the building code to include construction standards for barrier-free access. If this recommendation is accommodated, then the existing enforcement mechanisms of plan review and permit issuance, building inspections and orders and, if necessary, charges under the Building Code Act could be utilized. This would assist the applicants, as they would not have to make an additional application or have it reviewed by another agency. It would also assist the province by not requiring a separate tribunal to enforce orders.

Additionally, amending the Ontario building code would mean that enforcement of the new standards would not result in increased costs to the municipal building inspectors. Instead of making building inspectors do extra inspections to ensure compliance with building standards suitable for the disabled, if the Ontario building code contained the revised standard, this would mean less work for building inspectors. This would be a cost-effective means of providing enforcement.

I am actually going to go—you have the submission, so I'm going to leave a little bit of time for questions if you have any.

**The Chair:** Unfortunately, you used all the 15 minutes, but we do have your presentation, and it's part of the record. We appreciate your presentation. Thank you very much for coming today.

#### DOWN SYNDROME ASSOCIATION OF ONTARIO

**The Chair:** The next presentation is the Down Syndrome Association. Are they present? Yes, they are. Ms. Linda Bernofsky.

**Ms. Linda Bernofsky:** Honourable members, committee members and taxpayers, my name is Linda Bernofsky. I'm a member of the Down Syndrome Association of Ontario, which is a charitable, non-profit organization composed of local chapters from across—

**The Chair:** Ms. Bernofsky, I'm sorry. Let me ask that you keep in mind that there are some people who want to appreciate the interpreter.

**Ms. Linda Bernofsky:** Oh, sorry.

**The Chair:** It's all right, if you could go just a little slower, please.

**Ms. Linda Bernofsky:** Through consultation with the local associations, our board determines the ways it can be most helpful to Ontarians with Down syndrome and their families. Our organization is extremely pleased with this opportunity to respond on the importance of Bill 118, along with so many others who are supporting a strengthened Ontarians with Disabilities Act, 2001. We

thank all parties for voting for this bill on second reading and we encourage you to vote for this on the third reading so it will pass unanimously.

Our organization has seen some of the benefits of the effective work which is being done in preparation of passing of Bill 118. These community planning efforts are beginning to be welcomed by organizations, communities and individuals as they further align themselves toward being a barrier-free society. Many of us who sit on committees believe that this should not take 20 years of waiting for implementation. This lengthy time frame is seen as unreasonable. The time limit on an effective ODA should be shortened to ensure that time is not lost for those who continue to wait. The solution is clear for our young students, who have limited years and no time to spare. Their need for barrier-free accountability is critical for a better life and real opportunities.

Barrier-free education begins with our minister of the child, our Minister of Education and MPPs, whose responsibility it is to direct this province fairly. Proper preparation for life and work occurs in school and in the community, and must be directed by these ministries, so school boards must be made to truly respect our vulnerable students' rights and needs. We need clear wording and enforcement mechanisms within acts, regulations, directives, documentation, funding, communications and clear ministerial direction to eliminate and prevent barriers. We need to ensure that those with disabilities are truly consulted so as to effectively plan and prevent higher future costs. If responsible ministries prepare effectively, it will help to prevent school boards and their staff from straying, wasting, abusing funding and human rights. Barriers in education cost the taxpayers, families, communities, and systems such as justice, social services and health and, most of all, harm the individuals who need their future protected.

I bring with me today a copy of the Ontario Human Rights Commission's recent release called *The Opportunity to Succeed: Achieving Barrier-Free Education for Students with Disabilities*, July 2003, and its companion, *Guidelines on Accessible Education*, September 2004. Also, I have the auditor's report on special education funding, 1993 and 2001.

**The Chair:** There are people translating. Please—

**Ms. Linda Bernofsky:** Sorry.

These show the ongoing and immediate need for accountability for those who face daily challenges and attitudes in classrooms.

The auditor's report made strong recommendations for required action by the Ministry of Education against systemic barriers. Why has this costly audit been ignored for the disabled? Wasted taxpayers' money and unaccountable schemes go on; hurtful labels, stereotyping, the need for better individual education planning to access and participate in fulfilling one's potential and the need for proper resources of learning supports and services.

The Office of the Ombudsman called for accountability, fairness, equitable and impartial treatment, honest

and ethical practices, respect, understanding of individual differences and valuing diversity. Yet in the 2002-03 report, Clare Lewis, the provincial Ombudsman, said they had received many complaints regarding school boards relating to resources for special education. Mr. Lewis stated that he advised the minister that, "given the fundamental importance of education in this province," he believes that "parents and in appropriate cases, students, should have recourse to an independent complaint resolution mechanism to resolve complaints about school boards."

**1150**

The Ontario Human Rights Commission, the Provincial Auditor and the provincial Ombudsman require that actions be taken to eliminate barriers for the disabled in this vital education sector and for society beyond. Bill 118 must bring accountability and equity to students, staff and taxpayers. Further, Bill 118 must ensure compliance. Without compliance measures, violations go on in human rights and all other areas. Without enforcement mechanisms, all you have is empty words that harm people with disabilities.

Education Minister Kennedy and Mr. Sorbara were both quoted recently in regard to ensuring effectiveness and efficiency for Ontarians. Their words are nothing without teeth and action. We need proper outcomes and accountability measures, with compliance. It has been said that we can judge a society by the way the most vulnerable are treated. Let us be judged by a potent Ontarians with Disabilities Act.

Next, I'd like to introduce Anna Germain. She has the rest of the presentation.

**Ms. Anna Germain:** Actually, our self-advocates are going to say a brief word afterwards. I think it's very important to give them this first experience.

I need an accommodation here. Either I have to be able to speak quickly and very clearly or I need just a tiny bit more time, because I've cut this down as far as I could. I timed it at 5.5 minutes. But if I have to slow down, it's going to be a little more than 5.5. So it's your choice.

**The Chair:** Madam, it's your time. I think if you get into it, we can be a little flexible.

**Ms. Germain:** Thank you.

**The Chair:** But I would caution you not to go fast, because I want everybody to be able to—

**Ms. Germain:** OK. We'll go that route, then. Thank you.

Honourable committee members and fellow citizens, my name is Anna Germain. I speak for individuals who have developmental disabilities and need more of a voice. I wish to commend David Lepofsky for the excellent work he has led over the years—quite impressive. I thank all parties for voting for Bill 118 on second reading. Please keep going in this spirit. The issues at stake transcend party lines. I trust that Minister Bontrotianni will take our comments to heart.

Truly, this bill is like no other Canadian piece of legislation—exciting, actually—to boldly go where no



Canadian legislation has gone before. But boldly going does not take 20 years. Timelines, standards, enforcement mechanisms—sounds like action, as long as all the ODA committee's warnings and concerns and a few others we've heard here are incorporated each step of the way. A fair and open process, transparency and accountability, clear wording and true standards are critical. These will prevent human rights abuses and litigation, and will go a long way to rectify the multitudinous injustice. We need a lot more government "shall do" rather than "may do." "Must do" will do the job. We need a strong ODA, a bold ODA.

The Human Rights Code is the law in Ontario, second only to the Canadian Charter of Rights and Freedoms, which is entrenched into the Constitution. A potent ODA will ensure that the code is adhered to and that the most vulnerable Ontarians do not have to turn to the courts and tribunals to simply access that which each one of us is blessed to be able to take for granted.

Developmental disabilities, which imply an intellectual component, are barely hanging on the edge of the radar screen. It is incumbent upon all involved to redress this inequitable state of affairs and ensure that in the months ahead they are not left out, as they still are today. They are the most severely underserved and poorly treated group. Please stop the prescriptive, deficit-based approaches to their education and other needs. Rather, take a strength-based view of their lives and allow them to touch the steering wheel. What our children want and need is citizenship.

The Supreme Court decision of Battlefords clearly states that you cannot discriminate between physical and mental disabilities. It is the law, yet most are unaware or don't care. Recently, the movie theatre industry showed this lack of concern. Most are in direct contravention of the code, yet nothing is done about it.

The code is very clear about the high threshold of the duty to accommodate. Any organization would have to submit an undue hardship analysis to prove whether the required accommodation would essentially change the nature of their business or bankrupt them. In this light, few financial arguments will prevail. Let us not get mired in such arguments.

Most accommodations will be a win-win situation. Businesses will get more patronage as they become more accessible to more people and their friends and families with them.

Some accommodations should be financial. You've heard of the studies showing that people with disabilities live well below the poverty line. When an individual with a developmental disability needs a companion to access or attend a venue—for example, an entertainment venue—the companion becomes the key part of the accommodation. To ignore this violates the code.

It is necessary to ensure that the public comes to understand and respect the rights of people who have intellectual disabilities. To this end, I strongly recommend that an amount be set aside for the purpose of a campaign to sensitize the Ontario public to the realities

and rights and valued citizenship of the most vulnerable of all: people with developmental disabilities.

Much has been said about education. I will simply add that the most recent high-stakes testing has basically shut down all post-secondary opportunities for people with developmental disabilities. Above all students, they are hurt by this testing. In truth, this testing is not about helping any students but about giving an appearance of accountability before an unknowing public.

**The Chair:** Madam, please slow down.

**Ms. Germain:** Sorry. Do I need to repeat the last line?

**The Chair:** No, that's fine.

**Ms. Germain:** Testing always sounds like an easy sell, doesn't it? All parties know this, but none has had the guts to admit it.

Do the right thing and please eliminate this high-stakes barrier. A real diploma will not guarantee our children a job, but it will go a long way to treating them with dignity.

Our children work harder than anybody to learn, often surmounting huge challenges. Their indomitable spirit is inspiring.

You face a moral imperative. Why is a different intellect so disrespected? Could it be because our society upholds the wrong values? Do we define success in narrow and superficial terms? Is success really about money and ownership? What about human decency, respect, compassion and even altruism?

Full participatory citizenship summarizes the dreams and goals of people with developmental disabilities. Eliminate attitudinal barriers and ongoing harm and give them a chance at a future, a good job and to even pay taxes—soon, not in 20 years.

**The Chair:** We will allow the children to make statements, if they choose to.

**Ms. Sandra Bernofsky:** My name is Sandra Bernofsky. I am fortunate to have learned how to read novels, write and multiply and divide. I am one of the rare few who fights hard to stay in a regular classroom with expectations. Most students like me are victims of babysitting, and we copy poor behaviours and mannerisms. We need an ODA so that we'll all have opportunities that are fair and just. Thank you so much.

**The Chair:** Thank you.

**Ms. Germain:** Sorry. Matthew has had a rough morning. He's very tired.

**The Chair:** We thank you for being here just the same. Thanks to all of you for coming. That concludes our morning session.

**Ms. Germain:** Oh, he just wants to say a few words.

**The Chair:** Go ahead. No problem.

**Mr. Matthew Germain:** Ladies and gentlemen, good morning. My name is Matthew Germain. I want to speak to you about why I need you to do a great job.

I want to have a very good future. I am in grade 12. I want very much to graduate so I can go to college.

I love Shakespeare and the theatre. My favourites are Romeo and Juliet and Macbeth. I also like computer class. In college, I would like to study communications.

It will help me get a job in TV or theatre. I am interested in drama also. I am a member of ACTRA and played a part in a short feature film. It was a great experience.

I thank you for hearing me today.

**The Chair:** Thanks for your presentation. Have a nice day.

We will recess until 1 o'clock this afternoon.

*The committee recessed from 1204 to 1302.*

## OBSESITY CARE CANADA

**The Chair:** If I can have the room come to order, we might be able to start quickly and on time. Thank you.

Good afternoon. Our first presentation will be from Obesity Care Canada, and I believe Brenda Martin is there.

Ms. Martin, I believe you or one of your friends will be making the presentation? That's fine. I want to remind you, though, that you have a total of 15 minutes, including if you wish anyone to ask any questions. That is the limit. So if you want to start talking to us while the laptop is put together, it may be in your best interest. You have to make that decision. At a quarter after, I must see the next presenter. Thank you for coming.

**Ms. Brenda Martin:** I would ask that the committee members please refer to the packages that are being passed around. They do have copies of the slides that will be shown momentarily on the screen. Thank you.

Good afternoon, members of the standing committee on social policy. We appreciate the opportunity to speak with you about clarifying the intent of the Ontario Disability Act. My name is Brenda Martin, and I represent Obesity Care Canada. It's a newly formed support group for people who are prevented from fully participating in all aspects of society because they are morbidly obese.

As the act stands, it's unclear if obesity is considered an illness or if it must have an accompanying condition, such as diabetes or use of a wheelchair, to qualify as a disability. What we're asking is that the term "morbid obesity" be included in part I under "Interpretation," section 2, "Definitions," subsection (a) under "'disability' means." We note that other illnesses were added to the act following presentations by advocacy groups, so we're here today in the spirit of that, hoping to get "morbid obesity" added to the act.

The World Health Organization defines "obesity" as "an excess or surplus of body fat, compared, for a given height, to average weights from a large population and a body mass index of 30 kg/m<sup>2</sup> or more." I know what people might be thinking right now: "Who cares about the obese? It's their own fault." Well, this sort of thinking is just plain wrong. Obesity is not a lifestyle choice, and I would invite you to look in your package on page 5. It states: "Obesity is not a simple condition of eating too much. It is now recognized that obesity is a serious, chronic disease."

Why is it important for Ontario to care about including morbid obesity as a disability? If you keep flipping

through, you will see the growing trends since 1985. Keep flipping and flipping to 2000: We go from less than 10% all the way up to over 20%, and that is just the adults of the population. If you counted children in that, it would be significantly higher.

If you use the clinical definition, which is on page 12, of a 40 BMI—body mass index—we currently have 3% of the population in Ontario, or 180,000 people, who are considered morbidly obese right at this time. For your information, we have listed the 10 fattest cities in Canada. Please note, on page 13, that Ontario has three of the top five, St. Catharines coming in at a whopping 57.3%, so we do need to care about obesity in Ontario.

On page 14, you'll see some simple life issues that people who have this disease have to struggle against every day, including finding a job. How would you feel if you had to go to the loading dock to be weighed on that scale? How would you feel if you had to go to Guelph to the veterinarian school, the Large Animal Clinic, for a CAT scan, if that was someone you knew and loved or even yourself.

The one that bothers me the most is that every time someone who is morbidly obese goes to the doctor, there is absolutely no data that shows what effect or how much dosage a drug is going to have: It's the doctor's best guess. If you look on page 15, that's what you will see. There's absolutely no research above a BMI of 30 for any drugs.

On page 16, I would invite you to look at what's called the treatment algorithm, because this is where the misinformation comes. We are always fighting against the idea that it is our choice and that if we did something about it, like eat less or exercise more, we would not be obese. If you look here, and just imagine imposed over top of that the bell curve, you'll notice that perhaps for one quarter of the people who are obese, that may be effective treatment. But for the three quarters of the people who are not in that first section, that is not effective treatment. The only treatment, if you're 40 or more, would be the actual surgery for that.

Attitudinal prejudices that we face every day are hiring prejudices. On page 17, you can see that. When we go for a job interview, before we even have our qualifications looked at, we have people making judgment calls on us.

Our allies, the physicians: If you look on page 18, our allies, the people who should have the information about us, often do not. They have not studied it specially, and they prefer not to treat overweight patients.

On page 19, we have 63% of our nurses who believe that it can be prevented by self-control. This is just not true, and this is why obesity is called the second-class disease, because the misinformation out there far exceeds the facts. We're looking to you today to help us change that.

What's worse to me is the final slide, because I believe that our society is reflected in our children. If you look on page 20, they were asking schoolchildren in 1961—some of you hadn't even been born yet, and one



person said, "Well, did they have obesity back then?" Well, obesity has been around a long time. In the earliest civilizations of mankind known that they've found, there's evidence of obesity—way back, at the origins of man. So when you asked schoolchildren in 1961, when obesity wasn't even popular, who you would not want to be friends with, the obese were the number one. Nobody wanted to be friends with the fat kid.

Now, in 2001, when they redid this survey, if you look on page 21, you'd think, with the increase of childhood obesity, that children would be more accepting of the obese. But no, we've lost even more ground: Still, nobody wants to be friends with that fat kid.

On page 22, these are some of the benefits of the amendment. First of all, it clarifies the intent. It acknowledges that obesity is a disease and not a lifestyle choice, and it removes the remaining barriers. I think the act's done a very good job of helping us with removing the physical barriers and the architectural barriers, but now our big one is the attitudinal barriers, and that's what we're asking for today.

1310

The disadvantages? I think the benefits of protecting the equality and dignity of obese persons outweigh any perceived disadvantages.

On behalf of the families and friends of people who are obese in Ontario and Obesity Care Canada, we thank you for this opportunity to share our information and we trust that you will help others to look beyond the misinformation and prejudices surrounding this disease by recommending our amendment. If we don't acknowledge something, we can't ever hope to change it.

If you have any questions, I would be glad to answer now or after the meeting, and I would be willing to make myself available to participate in any future consultations that may facilitate the insertion of morbid obesity in the definition section of the disability act. Thank you.

**The Chair:** There are three minutes, and we'll start with Madam Martel; one minute each, please.

**Ms. Shelley Martel (Nickel Belt):** Thank you very much for being here today. Over and above the amendment, which I acknowledge is important, it seems to me that one of the biggest challenges is that of public education, so that people understand what obesity is. There's not much in terms of what's going to happen once the standards start getting developed to advise people about what the changes are, what they should be looking for in terms of changes, what they can expect, what their rights are. Do you have some advice you can give us with respect to: (a) Should people who represent your organization be on the standards committee, to which I assume you would say yes; and (b) what could we be doing around issues of public education, both for the medical community, broadly speaking, and the general public that would make a difference?

**Ms. Martin:** I think this committee can recommend that morbid obesity be inserted in the law—that's the first step—because that is publicly acknowledging that obesity is a disease. That's the leadership we need. It has

to come from our leadership, and once we have that acknowledged from our leadership, others will follow. It's like anything else when you want to change attitudes: It has to come from our leadership. So what we're looking for today is your leadership.

**Mr. Peter Fonseca (Mississauga East):** Thank you very much for your presentation. Knowing that obesity is an epidemic and looking at morbid obesity, I know our government has taken steps to get rid of certain barriers toward obesity, or those who are going along the obesity chain, and that may be around taking away junk food and pop out of schools. Would you say those were good barriers that were taken out of an institution?

**Ms. Martin:** Those are physical things you're taking out? Yes, anything is good. Now, you're talking prevention, as if it's our own fault; that if we didn't eat that junk food, we wouldn't be obese. So it's a little bit different. It's a start, yes, and it's going to help, but it's the attitudes. It's exactly what you're saying. People think, "We'll prevent it." No. Obesity is a disease that you have to manage, but certainly it's a step.

**Mr. Fonseca:** I agree with you that we have to take away that stigma and work with everybody in Ontario toward a healthier lifestyle in terms of what we eat and moving our body in terms of activity.

**Mr. Jackson:** Thank you for your presentation. When I was meeting with the federal transit commission—and I was concerned that we don't have jurisdiction as a province in those areas—I was impressed however with the fact that they were making provisions in some instances for airlines and, to a lesser degree, for transit—something we have done nothing about in Ontario. Could you briefly comment about, first of all, the successes federally and how that might play out provincially? It seems that's the one issue of handicapped access where they've at least acknowledged and are trying to make an effort. We're not doing it here in Ontario.

**Ms. Martin:** Brian, would you like to comment on that? That would be Air Canada.

**Mr. Brian Hanulik:** My name is Brian Hanulik. I'm with Cavalluzzo Hayes, a law firm here in Toronto, with Ms. Martin. Certainly the Canadian Transportation Agency has recognized that obesity can constitute a disability in the context of that particular act, especially where an individual can make out that their condition impairs their ability to function equally. I think that's another important step the Ontario government can perhaps look at in terms of eliminating those barriers for people who suffer from morbid obesity.

**The Chair:** Thank you very much for your presentation.

## CANADIAN UNION OF PUBLIC EMPLOYEES

**The Chair:** We'll move on to the next presenter, the Canadian Union of Public Employees. While you set up, let me remind you that there are people translating what is said in this room, so keep in mind that there has to be

enough time to translate properly. You also have 15 minutes total, so if you choose to leave some space for questions or comments from members, you can do that. Whenever you're ready, you can start your presentation.

**Mr. Jackson:** Mr. Chairman, I have a request for information. Please be seated. I didn't mean to interrupt. I would request that research obtain a copy of the federal transit legislation which references obesity so that, as committee members, we can look at that and consider it. Thank you.

**The Chair:** Please start by introducing yourself.

**Mr. Fred Hahn:** My name is Fred Hahn. I'm the second vice-president of the Canadian Union of Public Employees in Ontario. I'm here today with Judy Wilkings, who's on my left. She is the legislative liaison assigned to CUPE Ontario as a staff member. I'm also joined by Teresa Colangelo, who is a member of our workers with disabilities committee in Ontario. We really welcome this opportunity to participate in this dialogue on the Ontarians with Disabilities Act and the proposed amendments to Bill 118.

We are, of course, part of this ongoing dialogue, as a union in Ontario. We are the largest public sector union in the province, with some 200,000 members in Ontario and over 530,000 members across Canada. We know that our membership is comprised of a variety of diverse socio-economic backgrounds and that we have many members who are themselves workers with disabilities. We also have workers who provide supports to people with disabilities, in schools across the province, in group homes, in social service agencies, in health care facilities and in other kinds of workplaces across Ontario. So we consider our union to be a fundamental part of the discussion.

We also consider it to be a fundamental part of our mandate as a trade union to negotiate and to make sure that we can enforce collective agreements that are consistent with human rights protections, that ensure accommodation and inclusion in our workplaces, and to make sure that our members with disabilities, as workers, have inclusive workplaces.

We have a historic record in CUPE of being very active in Ontario. We're quite proud of the achievements we've made as a union in helping to advance the interests of persons with disabilities and workers with disabilities, not only in our union but across the province. We've not only contributed to the struggle for progressive laws and policies in relation to people with disabilities, but we've also operated within the existing legislative schemes that provide and facilitate support and accommodation for Ontarians with disabilities, to enable, extend and enhance their working lives and their lives as citizens of the province. We've been vocal in recognizing where systemic exclusion of persons with disabilities from the labour force and from other places presents problems for us and for our members, and we think for everyone in Ontario.

In light of the 11 principles of the Duncan resolution and various recommendations submitted to the Ontario

government last year, we really see the amendments in Bill 118 as a very positive step forward. We specifically want to commend the government for making the bill applicable to both the public and the private sectors, for drafting a very broad and inclusive definition of disability and for demonstrating an inclusion that ensures that provisions of legislation are enforced. But we still perceive that Bill 118 is actually a work in progress and we'd like to offer some suggestions, in a respectful way, for amendments to the legislation.

The bill requires the development and implementation of accessibility standards to be achieved in a very broad time frame, and we believe that time frame needs to be tightened up. It needs to be done in a much more timely manner. In particular, we're recommending that the standards development committees should be required to develop their standards and the accessibility requirements within two years, which would be under the mandate of the current government, and that would include a process of public consultation. We believe that's a real way to demonstrate overt commitment to people with disabilities.

#### 1320

We believe that the bill ought to require the full participation of unions and professional associations in any of the development and implementation of the accessibility standards for unionized workplaces. CUPE Ontario endorses the position taken by the Ontario Federation of Labour on this matter, and we strongly recommend that unions participate in the accessibility framework in a twofold way:

Unions and employers should be required to negotiate accessibility plans for each unionized workplace. In accordance with the Ontario Human Rights Commission's Policy and Guidelines on Disability and the Duty to Accommodate, accessibility plans would provide for barrier-free, inclusive and accessible workplace design, the removal of any existing barriers, and the accommodation of remaining needs of workers. To ensure consistency within an accessibility framework, the plans would also accord with the standards established by appropriate other pieces of legislation and the bill itself under the standards development committee.

Union representatives should be included as members of the standards development committee under section 8 of the bill.

The concept of accessibility plans is based on the pay equity plan framework established under the Pay Equity Act. The plans would allow unions and employers to work together to ensure that each individual workplace is fully accessible, inclusive and barrier-free.

By including unions as participants in the development and implementation of accessibility standards, the government of Ontario would ensure that the process benefits from the vast expertise of unions in Ontario in addressing and promoting the needs and concerns of Ontarians with disabilities in relation to accessibility matters, such as return to work, modified work in the workplace and any other workplace accommodation.



Indeed, it's critical that Bill 118 explicitly provide for union participation in the accessibility framework. The Pay Equity Act provides useful guidance in that respect.

We're also recommending that the minister retain experts to provide advice to members of the standards development committees, and that the bill provide directly for reasonable public funding and support for matters related to the achievement of accessibility standards. These should include education and awareness campaigns, the implementation of accessibility standards in the workplace and for both public and private spaces, training and skills development programs for individuals working with persons with disabilities, and the work of disability advocacy groups.

Further, we're recommending that the bill require that all current Ontario legislation be reviewed and all future legislation being drafted be reviewed in a manner that will ensure that Ontario law fully accords with the requirements of a barrier-free, accessible and inclusive design for workplaces and public spaces.

We recommend that the bill be more clear and specific in provisions, particularly in relation to the administration and enforcement of the bill. We strongly recommend that in relation to administration and enforcement there be an amendment to Bill 118 and that it be modelled after parts IV and V of the Pay Equity Act. Specifically, revisions should include: provisions to establish an accessibility commission consisting of an accessibility hearings tribunal and an accessibility office to administer and enforce the proposed act; provisions establishing the composition, powers and duties of this new hearings tribunal, and provisions establishing the composition and powers of the accessibility office; and provisions establishing a complaints process under the proposed act, including provisions related to the filing, investigation, mediation, hearing and resolution—either through settlement or penalty—of any complaints such that a person or an entity may complain that there's been a contravention of the accessibility standard, the act or its regulations, and any other order of the commission.

In conclusion, CUPE Ontario is very thankful to have the opportunity to submit the above comments for consideration by the standing committee. We really, again, want to commend the government for progressive strides that are reflected in Bill 118, but we also clearly want to emphasize what we see as the critical importance of amendments to this bill, to ensure union participation in the development and implementation of accessibility frameworks, and to make sure that we can strongly have amendments that would guarantee financial support for accessibility frameworks and greater accountability and enforceability of the act.

CUPE Ontario presents these submissions not only on behalf of the 200,000 members we have in the province of Ontario, but we believe that these amendments would benefit all Ontarians, particularly those with disabilities. As dedicated advocates of the struggle against discrimination and injustice, we're committed to pursuing a progressive social, economic and institutional reform to

create communities and workplaces in which everyone can equally participate and equally flourish. Thank you.

**The Chair:** Thank you, Mr. Hahn. There are two minutes left, and I'll start with Mr. Jackson.

**Mr. Jackson:** Fred, thank you for your presentation. David Lepofsky will be here later this afternoon, and he has indicated that there were some sections of the previous bill that were put in there specifically for CUPE and OPSEU workers, in particular section 8, which says the government of Ontario shall accommodate the accessibility needs of its employees in accordance with the Human Rights Code. That was specific. It went further to say, when you're applying, there has to be full accommodation. Then there's a third section, which says that Management Board is directed and must provide the funds to each ministry in order to achieve that. Are you aware that those three sections are being deleted in this new bill? Are you aware of that?

**Mr. Hahn:** Yes.

**Mr. Jackson:** Are you OK with that?

**Mr. Hahn:** Part of what we're concerned about would be an overall way in which the bill doesn't have teeth.

**Mr. Jackson:** That's not what I'm asking you. I'm asking you, as a CUPE—I fought hard to get this section in. It was one of the biggest fights I had. Specifically, it was put in because there was discrimination, when I was minister, trying to get someone to help my unit, and I couldn't get that person hired. I had to pay for it separately. I was offended by it. I was hurt by it. The fact is that this is a level which the chief commissioner from the Human Rights Commission has said is essential, and it's being removed from the bill.

We're not talking about teeth here. We're talking about not having to send all of your members down the road to Keith Norton, when you can file a grievance and it will cover you. This is a monumental piece of this legislation. We're not saying whether the old bill was good; there were some pieces in it that Mr. Lepofsky says must be retained.

**The Chair:** Thank you, Mr. Jackson. Ms. Martel.

**Ms. Martel:** Thank you for being here today. Let me deal first with the negotiated agreements in the workplace, which I agree with. Just to be clear, so that no one can say there would be duplication of this effort, if you're collectively bargaining agreements and then a standards development committee is also studying standards, you could collectively bargain a settlement in your workplace, and whatever new standards are developed could then be applied to the collective agreement at a later date so that the collective agreement is consistent with the standard; I'm correct?

**Mr. Hahn:** Absolutely.

**Ms. Martel:** That would be the best way to do it?

**Mr. Hahn:** That would be the best way to do it. In fact, that's the way we recommend our locals do it under the pay equity framework as well.

**Ms. Martel:** Why do you think it's important that you be able to collectively bargain for removing barriers?

**Mr. Hahn:** Unions have the responsibility to represent the workers in the workplace, including those workers with disabilities. That's why we collectively bargain in terms of our collective agreements. If there are standards and provisions that are put in place without involving unions, there may be many complications. There may, in fact, be levels of expertise that unions have by representing front-line workers that would actually make it easier to have accessibility plans for each workplace and actually make their implementation easier and smoother for the workplaces.

**Ms. Martel:** It could be more specific to the challenges in that workplace.

**Mr. Hahn:** That's right.

**Mr. Ramal:** Thank you for your presentation. I just want to go back to the old bill, ODA. You mentioned very clearly that it had no teeth. It didn't matter what element, what subdivision or what section was in it; there was no value, because it had never been enforced. How do you see, in comparison to Bill 118, the enforcement mechanism in it, and do you think it's the only or best way to eliminate the barriers for the future?

**Mr. Hahn:** Part of what we're concerned about with the proposed bill is that it talks about the fact that regulations may be implemented to aid in enforcement. It doesn't say they will be, and it isn't clear what they would be. Part of what we're trying to say is that rather than allowing regulations which may or may not be implemented, the government draft a bill that is up front, that actually puts mechanisms in place in the bill itself, that articulates timelines that are more immediate and that also articulates a process by which people can be sure and understand how they could complain or get assistance in terms of accessibility, time frames and workplace- and community-based plans.

**The Chair:** Thank you very much for your presentation.

1330

#### CANADIAN PARAPLEGIC ASSOCIATION ONTARIO

**The Chair:** The next presentation will be from the Canadian Paraplegic Association. You have 15 minutes for your presentation. Please keep in mind that someone is translating.

**Mr. William Adair:** Mr. Chairman, committee members and guests, on behalf of the Canadian Paraplegic Association Ontario, I'd like to thank you for the opportunity to address the standing committee on social policy this afternoon. My name is Bill Adair. I am pleased, as the executive director, to represent the views of our organization, along with Linda Kenny from our staff. I bring regrets from the vice-chairman of our board of directors, Lynda Staples, who is ill today and not able to make it.

The Canadian Paraplegic Association was founded in 1945 by returning World War II veterans. For the first time in history, people with spinal cord injuries lived

beyond their injury and banded together in mutual support. A movement built on the values of peer support, advocacy, independence and enhanced quality of life was born. These values have remained the cornerstone of the CPA ever since.

Those early pioneers who formed our organization provided an exemplary legacy, rising above oppression, removing barriers, promoting inclusion and persevering over adversity. With no legislation, no human rights protection and no real political will, they succeeded in forging a path that has benefited many Canadians with disabilities.

With the introduction of Bill 118, we honour the legacy of our founders and begin to build a province that recognizes the equality and inherent value of all citizens. Sixty years of providing services to people with spinal cord injuries and other physical disabilities have given us the experience, expertise and credibility to understand many of the barriers faced by Ontario citizens. We do not propose to represent the interests of all Ontarians with disabilities; however, we are supportive of the need to effect a change that will enable all Ontarians to achieve equal opportunity to fully participate in the rights and obligations of citizenship.

CPA Ontario has long championed the need for strong, effective legislation that promotes inclusion, and we once again want to endorse the 11 principles put forward by the ODA committee. Over the past decade, we have worked with the ODA committee, played a part in lobbying government, participated in the hearings of the standing committee on finance and economic affairs in 2001, attended round-table and public consultations last winter and were very honoured to sit in the Legislature on that historic day last fall, October 12, when Bill 118 was introduced.

CPA Ontario is pleased to lend its support to Bill 118. We commend the Ontario government, and particularly Minister Bountrogianni, for leadership in bringing this legislation forward. I also want to congratulate the former government—in particular you, Mr. Jackson, whom I've had the privilege of working with for many years—for laying the foundation with Bill 125, the Ontarians with Disabilities Act, 2001. And, Mr. Jackson, I just want to recognize our former colleague and co-worker, Darrel Murphy, who would be very proud of the progress we're making here today.

We applaud the position taken by the New Democrats in championing the rights of people with disabilities, and we appreciate the support of all three parties and their membership in supporting this new bill. We're hopeful that when this legislation is again before the House for third and final reading, it will once again pass on a unanimous vote.

**Ms. Linda Kenny:** CPA Ontario strongly supports the introduction of Bill 118. This legislation, for the first time in Ontario history, has the potential to enshrine the rights of all our citizens, including the 1.5 million Ontarians who live with a visible or invisible disability. Stakeholders from all facets of our province have embraced the



intent of this legislation. The act calls for a new Ontario to be built over the next 20 years. CPA Ontario believes this time frame is a necessary one to enable a fundamental change in attitude. The bill proposes to achieve a significant shift in the social and physical structure of our province, whereby all citizens are committed to creating a barrier-free environment that will support full participation in the rights and obligations of citizenship.

If I may, I'd like to digress for a second and just tell you a quick story that may illustrate that although we have come very far, we still have a long way to go. Just last week, we had a staff going-away luncheon for someone who was leaving. Three of our staff attended that luncheon, having travelled there together in one person's accessible van; all three of those staff use wheelchairs. Because of the snowbanks, they were unable to use street parking—the snow was all piled up on the street—and they went to an accessible spot at the nearest parking lot to the restaurant. The accessible parking spots in that location were either in use or had snow piled in them. The alternative, which might have been to use other surface parking, was not allowed to them by the attendant because he said it would take up two spots, and therefore he'd lose revenue. As a result, they spent most of the lunch hour driving around in circles at Yonge and Eglinton looking for a place to park. So although we've come a long way, I think we still have a long way to go in terms of attitude.

CPA Ontario shares the government's dream of an Ontario in which all its citizens belong and feel welcome, truly eliminating all barriers, be they physical, attitudinal or communicational. It is the intent of CPA Ontario to work with the government, private industry, disability organizations and people with disabilities to implement a strong and effective AODA in this province.

Our board, staff and members have thought carefully about this legislation. We have not come here today to provide a legal analysis or a clause-by-clause review; rather, we have prepared some important thoughts for your consideration. These are points that our members have told us matter to them. They are points that CPA Ontario believes will strengthen the effectiveness of the AODA, and they are offered to the committee for its deliberations.

First, that the Ministry of Citizenship and Immigration perform a lead role amongst all government ministries in providing for interministerial co-operation and new ways of working that will lead to the elimination of barriers and the prevention of new barriers. We know that services for people with disabilities fall under a broad range of ministries and funding formulas. Navigation of the system is, in itself, a significant barrier for the uninitiated. It is exhausting, and it can be ineffective. Harmonizing of services and supports is essential.

Second, that the Ministry of Citizenship and Immigration provide the resources necessary to ensure that people with disabilities have the opportunity to participate significantly, equally and effectively at the sector tables. This may entail providing consumer compensation, leadership training and support services.

Third, that the work of the sector tables proceed forthwith to develop and implement standards that are effective and achieved in the shortest time frame reasonable and possible, and that specific, meaningful targets are set to be achieved by 2007. Much concern has been expressed regarding the timelines. We understand the importance of balancing the needs of all stakeholders; however, it is our contention that there is sufficient knowledge, goodwill and momentum to demonstrate some early successes. Our members feel a sense of urgency to see those early and tangible results.

Fourth, that the Ministry of Citizenship and Immigration provide the necessary resources for organizations representing people with disabilities to participate effectively at the sector tables and to enable those organizations to work co-operatively to build leadership amongst their membership. Ultimately, the success of this legislation will rest with the ability of people with disabilities to participate equally at the table today, tomorrow and for all the tomorrows to come.

Fifth, that the legislation and its regulations are structured in such a way as to ensure progress toward the ultimate goal, regardless of who forms the government of the day. We have witnessed a collective acceptance of the intent of this legislation by all three parties. It is our hope that future progress will not be hampered partisan politics.

Sixth, we believe that equal focus and attention should be paid to the elimination of attitudinal and communicational barriers, as it will be to physical barriers.

Seventh, that the government of Ontario provide for an effective complaints mechanism to address issues of inaccessibility. If the Human Rights Commission is deemed to be that body, then the government of Ontario must ensure its practices are timely and fully accessible by people with disabilities.

Finally, that the Ministry of Citizenship and Immigration provide for an annual evaluation and public reporting of progress toward the elimination and prevention of barriers.

1340

**Mr. Adair:** Much debate has centered around the time frame in the act. Some have expressed concern that 20 years is too long for people with disabilities in Ontario to wait for full citizenship. CPA Ontario sees the year 2025 as the end point, the year that all citizens of this great province can be assured that they will be able to participate fully and effectively without concern for barriers: physical, communication or attitudinal. This legislation will enable a social transformation in our collective understanding and our acceptance in the conscience and in the hearts of all Ontarians. Along the way, however, there are many opportunities for progress and for success.

The legislation calls for setting sector tables and the development of accessibility standards. These will be the tools of change. CPA Ontario is eager to work with the government to develop these standards and to ensure people with disabilities have a real and significant voice at the table. As has been debated in the Legislature,

access means more than just building a ramp or widening a doorway. Access truly means ensuring there are no barriers to full participation in our society as a result of having a disability.

The AODA is not, however, about empowerment for people with disabilities. Rather, it's about equality: equal opportunity for people with disabilities to fully participate in the rights and obligations of citizenship. The dictionary definition of the word "empower" reads, "to give authority to or power to, to authorize." It would be erroneous to assume that we can or that we need to empower people with disabilities. To do so would imply that there is a group of people who have more power or a superior status than others in society—that is, people with disabilities—who are less than equal. On the contrary, the AODA will create an environment where people with disabilities will enjoy equal footing with other key stakeholders in order that we can all work together with the same level of responsibility and power. Together, we will build a better understanding of barriers, develop successful strategies for avoiding and removing barriers, jointly manage implementation and celebrate success.

So the concept of empowerment comes from a paradigm that assumes people with disabilities will only have power if it is given to them by able-bodied citizens. The paradigm presented in the AODA correctly assumes that all people are equal, regardless of their ability, and that by working together we will successfully educate people in all communities across our province, change attitudes and build an Ontario where inclusivity is the norm.

Before I close our comments, I'd like to share some borrowed words of wisdom from General George S. Patton, who our founding fathers and mothers in World War II had the pleasure of benefiting from. General Patton said, "Never tell people how to do things. Tell them what you want them to achieve and they will surprise you with their ingenuity." Ontarians know what they need, Ontarians are eager to transform our society, and the government, through Bill 118, is giving us the means to do so. We're anxious to start on this historic journey. We will surprise ourselves with our own ingenuity.

Thank you very much for your attention and best wishes for continued success.

**The Chair:** Thank you for your presentation.

#### COUNTY OF SIMCOE ACCESSIBILITY ADVISORY COMMITTEE

**The Chair:** The next presentation is from the county of Simcoe accessibility advisory committee. I believe they're here.

In case anyone needs assistance, there are two individuals at the back of the room who are available for any assistance within the building. So if you do, please let me know.

I can also remind you while you get ready that there is a translator for what you say, so keep in mind that she needs time to translate. You can proceed any time.

**Mrs. Sandra Johnston:** Honourable members of the standing committee, thank you for allowing me to come today and address my pleasures and concerns with Bill 118. My name is Sandra Johnston, and I am here today wearing two hats. I would like to begin my presentation by discussing the concerns and recommendations as the chairperson of the county of Simcoe accessibility advisory committee. I would then wish to take on a more personal role in discussing trepidations I have with Bill 118 and my recommendations for amendments. I'll be illustrating my thoughts using examples. This will be followed by a short question-and-answer session, if time allows.

As chairperson of the Simcoe county accessibility advisory committee, our committee has found that Bill 118 is a wonderful bill and certainly a huge improvement on the current Ontarians with Disabilities Act, 2001. However, we have some concerns. Our main issue is that of compliance orders. Subsection 21(4) is not clear on what action can be or will be taken if there is an authorized issuance of an order against an organization that isn't complying with an applicable accessibility standard.

How were the standards determined? How is Bill 118 actually enforced? How does an organization know if they are in fact included in the standard, and how will a minister or the standards committee inform organizations of inclusions and timelines for compliance? Who can report organizations for non-compliance? An inspector may enter a premise without warrant and demand or seize documents relating to removing or preventing barriers. Can an inspector come without notice or without compliance periods explained to the offender?

This brings me to subsection 38(3), which states the maximum fine is \$50,000 per day for a person who does not obey an order, or \$100,000 for each day that a corporation does not obey an order. What are the minimum fines? Who sets these fines? How are the fines determined?

Another concern is that Bill 118 does not state time frames for the proposed regulations. How will organizations be notified of what changes must be made and by when? Bill 118 must set precise time frames by which the government of Ontario must implement each step necessary to carry out this bill's main essentials.

Also, Bill 118 should have key targets that must be implemented by certain time frames throughout the bill's 20-year completion period. This process will help to ensure that the progress is consistent, meaningful and definitely with merit.

Under the current ODA of 2001, each municipality of 10,000 or more residents must have an accessibility advisory committee. The role of this committee is to make recommendations to the council of their municipality. However, the council may or may not take any of these recommendations into consideration. What re-



course do the members of the accessibility advisory committees have?

Subsection 29(5) of Bill 118 should reflect positive changes in that the councils have to give reasons for rejecting recommendations in a reasonable time frame; say, a period of one month. This will help members of the committees in making further recommendations or revising advice already given.

Subsection 29(3) reads: “A majority of the members shall be persons with disabilities.” The following should be added: “These members must be able to fully participate in the needs of the committee.”

Section 8 of Bill 118 concerns standards development committees. Who will be responsible for setting up such committees: each municipality, the provincial government, or maybe both? Possibly each county will have its own standards development committee. Bill 118 doesn't state how many committees there should be or a timeline for setting up these committees. What will these committees actually address? Will there be separate committees for the public and private sectors? More information is needed about these committees, and who will be responsible for having them.

On behalf of the Simcoe county accessibility advisory committee, I thank you for giving me the opportunity for sharing some of our comments and concerns. I will now switch hats and speak to you about concerns I have as an individual with a disability.

As I have mentioned, I am the chairperson of the Simcoe county AAC. I also sit on the Simcoe County District School Board accessibility advisory committee, and I am past member of the city of Barrie accessibility advisory committee and past social action director for the county of Simcoe Multiple Sclerosis Society. I am also a public education trainer for the Simcoe County Association for the Physically Disabled, working to bring sensitivity awareness about people with disabilities. It has been a pleasure sitting on these committees and carrying out the work of the current ODA.

**1350**

The proposed Bill 118, which I hope will be the new Accessibility for Ontarians with Disabilities Act, 2004, gives me enormous hope for the future of people with disabilities. If this new bill is passed, independence and freedom will not just be on the minds of people with disabilities; it will be their reality. For that, I wish to commend all of those people who have been involved in bringing this bill to fruition.

I would ask that you take a few moments and imagine the following: One day, you're out with your spouse, shopping and enjoying lunch. The next day, when you wake up, you cannot get out of bed. Your legs are so weak that they cannot support you. You can no longer walk. You need help with everything—with bathing, dressing, even transferring to using the toilet. After weeks of hospitalization and tests, you are diagnosed with multiple sclerosis. You are now a person with a disability.

Time goes on, and you adjust to your own environment. However, the outside environment is a whole new,

inaccessible world. You can no longer hop in the car and go shopping, because your wheelchair doesn't fit in the car; you need a van. You need someone to be able to transfer you into the van, and then they must be able to load your 260-pound power wheelchair into that van. You cannot access public transportation, because you live in an area to which transportation is not offered.

Time goes on, and you fix the problem of no vehicle and no person to help you. You can finally go shopping or maybe out to dinner, but wait—you arrive at the store to realize there are steps into the store; can't shop there. You go to the mall; there are no steps into the mall. Your companion or spouse parks your vehicle, unloads your chair and helps you into it. You're on your way to a long-awaited shopping adventure. But wait—you can't get in the doors because someone has blocked the ramp with their vehicle. After all, they're only running into the mall for a moment or two. You have to wait by their vehicle and hope that they're not too long. It starts to rain. What do you do?

Finally, they come and they move their car, all the while, not daring to even look you in the eye. You decide to visit the washroom in the mall to dry off and, well, do what you do in the washroom. Great—there are two doors to get through and no electronic buttons to help you in. The washrooms are gender-specific. How do you get in and out, again, by yourself? Your spouse can't go in the washroom with you, because that's not socially acceptable. You eventually get in with the help of a stranger. You get to the accessible stall, only to find that your chair can't fit through the door, or maybe it fits through, but you have no room to transfer. Ugh. You just want to go home. So much for a long-anticipated shopping adventure.

This is only one incident that has happened to me. I have many more stories for you, but obviously, not the time to share them. I can't tell you the number of buildings, such as stores, restaurants, theatres and hotels, that I cannot go to because they are not accessible. Bill 118 can make a huge difference. There are a few areas of Bill 118 that I would like to address.

Section 4 states, “This act applies to every person or organization in the public and private sectors of the province of Ontario to which an accessibility standard applies.” I would recommend that the last few words, “to which an accessibility standard applies,” be taken out. That way, there is no question to whom this act is referring. It should refer to everyone, each and every one of us.

Bill 118 doesn't sufficiently address the barriers that persons with disabilities face in the design, development and construction of buildings in the public or private sector, including residential development. It has been my experience that the experts involved in these areas are familiar with the Ontario building code, but not what is actually needed for barrier-free design.

My recommendation would be that those people working in the building environment be trained on barrier-free design. Developers of residential sub-

divisions should have at least one model or at least a blueprint on a barrier-free-designed home—

**The Chair:** I would just ask you to slow down.

**Mrs. Johnston:** OK, sorry—available to anyone wishing to purchase such a home. I also think that the Ontario building code should be updated and coordinated with the standards set out in Bill 118. Other areas that are not addressed are the design and manufacture of products for sale to the public, as well as barriers impeding access by persons with disabilities to transportation.

This now brings me to the standards development committees, which is section 8 of Bill 118. It is of extreme importance that the standards committees, and also the Accessibility Standards Advisory Council, include consultations with persons with disabilities. Will these committees address such things as transportation and the building environment? They should also address employment issues, and the retail or private sector, to name but a few. How does an interested person get on a standards committee? This should be a quick, thorough process. Who will have a standards committee? Each municipality, the county, or is it just government level?

The ODA of 2001 states that each accessibility advisory committee is made up of volunteers. These volunteers must often finance their own expenses in participating with the accessibility advisory committee. The current ODA of 2001 does not provide funding to municipalities for members of municipal accessibility advisory committees; however, there is provincial funding for members of the accessibility council of Ontario.

Bill 118 should again reflect positive changes, and I recommend that councils pay fair compensation and fair expenses to the members of their AACs. There should also be funding allotted for the participants of the standing committees. This will take into account the number of volunteer hours that a person gives and the effort it takes to participate in either of these committees. It has been my experience that the volunteers of the AACs do the majority of the work, preparation and research time, while the staff of the organizations attend the meetings for which they are paid.

One other recommendation I would make under Bill 118 is to stipulate a minimum number of meetings that an organization may have of the accessibility advisory committees per year. One committee that I currently sit on has not met for seven months. How is anything supposed to be accomplished if the committee is not meeting?

It is frustrating to be on a committee whose chair does not make accessibility a priority. Frankly, subsection 40(1) of Bill 118 scares me. This section gives the provincial cabinet power to pass regulations, and again I quote, “exempting any person or organization or class thereof from any building, structure or premises or class thereof from the application of any provision of this act or the regulations;”

To me, this could potentially destroy the effectiveness of Bill 118. There should be no exemptions, period. Otherwise, we are not going in the direction of having a

totally barrier-free province. Every organization, whether public or private, must be accessible under the Ontario Human Rights Code. Why make it complicated by having such a provision in Bill 118? Every organization, public or private, will have the benefit of having people with disabilities access and use their establishment and spend their money. Yes, an organization or person may have to spend money to make their place accessible under the act, but they should realize, as the old saying goes, “short-term pain for long-term gain.”

My last recommendation for Bill 118 would be to make sure that it is written in such a way to ensure that future governments cannot change it to not implement the prevention and removal of barriers for people with disabilities. The same would be for the standards committees: make sure that they cannot be disbanded and that the political theories of future governments do not interfere with the agenda of Bill 118. This will ensure that the standards committees do what they are set up to do. Also, make sure that people with disabilities are included in the standards committees and are fully able to participate.

Again, I would ask that you take a moment and imagine this: Bill 118 was passed and accepted unanimously. It's a few years down the road. Your spouse calls you from work and asks you to go meet him or her at a restaurant for dinner, and then a movie. You can go. There is transportation to take you. The restaurant is fully accessible, including the washroom. You can get into the movie theatre and watch a movie, something you haven't been able to do for years. You are actually having a spontaneous date with your spouse. How wonderful and free a feeling it is.

With the passing of Bill 118, our Ontario can become fully accessible for everyone. With your help, this really can become my reality. Things that able-bodied people take for granted will be available to me and my peers. Your reality can become my reality. Please make it happen.

**1400**

The 20-year time span is a long time in my world, but it is better than nothing. We have come a long way in the past few years, especially with the inception of the ODA of 2001. We're headed in the right direction. People with disabilities do not want special treatment; we just want equal treatment.

Thank you for giving me the opportunity to speak with you today. I have discussed the concerns and recommendations there are as a chairperson of an AAC, as well as my personal feelings regarding this issue. I can't tell you how grateful I am to be able to be here.

I'd just like to leave you with this thought: The transportation issue I mentioned—my husband took the day off work today so I was able to be here. Otherwise, I wouldn't have been able to come. He knew how important it was that I was able to do this. Thank you, Tom.

**The Chair:** Thank you very much for your presentation, Ms. Johnston.



## ONTARIO HOSPITAL ASSOCIATION

**The Chair:** We will be moving to the next presentation, and that is from the Ontario Hospital Association. Are they in the room? Yes.

You can start any time you're ready, sir. Keep in mind that the translator needs time to do his job.

**Dr. Gaétan Tardif:** Good afternoon. On behalf of the Ontario Hospital Association, I'm pleased to appear before you this afternoon to offer recommendations on Bill 118, the Accessibility for Ontarians with Disabilities Act.

My name is Dr. Gaétan Tardif. I'm vice-president of medicine and physician-in-chief at the Toronto Rehabilitation Institute and director of the division of physical and rehabilitation medicine at the University of Toronto. With me today is Elizabeth Carlton from the Ontario Hospital Association.

I'll keep my comments quite brief; going against the grain of a university professor, who usually is a little long-winded, and hopefully we'll be able to engage in a dialogue at the end of my comments.

I want to start by taking the opportunity to talk to you about what hospitals are doing to enhance accessibility for persons with disabilities within their facilities and the challenges that we currently face.

The OHA and hospitals are very supportive of efforts to enhance accessibility for persons with disabilities. Serving the special needs of their patients, clients and communities is integral to the mandate of hospitals. Indeed, when you think of it, every patient who comes through the hospital doors has an impairment, whether it is of a temporary or a more permanent nature. Hospitals have, therefore, consistently strived to ensure that the needs of all Ontarians are met, through such initiatives as the construction of new facilities, refurbishment of existing facilities, or simply the manner in which we provide service.

With the enactment of the Ontarians with Disabilities Act, the hospitals have been preparing their annual accessibility plans to identify barriers in their policies, programs, practices and services, as well as ways in which they can minimize and eradicate these barriers.

To assist hospitals in preparing annual accessibility plans required by the ODA, the Ontario Hospital Association collaborated with the Ministry of Citizenship to prepare a tool kit, which included the sample plan for hospitals to follow, frequently asked questions, as well as additional resource material. This was distributed to all hospitals in March 2003.

Since the enactment of the ODA, the OHA has also held several conferences on the act and related disability planning. These conferences have educated hospitals on their legislative obligations, provided a perspective from the community, and offered instructive lessons learned from other sectors. The OHA and its member hospitals thus appreciate the importance of making public facilities more accessible and have done much to promote best practices in this regard. But we really want to be able to

do more. For this reason, we very much want to ensure that laws to enhance accessibility are effective, that they meet the needs of Ontarians with disabilities and the goals of legislators and, more importantly, that they stand the test of time. To do that, we believe that legislation must be both balanced and workable.

Bill 118, as currently drafted, has many commendable features. For example, the definition of a barrier as "anything that prevents a person ... from fully participating in all aspects of society" is one that we endorse and that I personally, as a health care practitioner, certainly fully endorse.

We also support the establishment of accessibility standards developed by sector-specific committees composed of persons with disabilities, representatives from that sector and related ministry representatives, and then vetted by the public. We believe that this is an approach worth exploring. There are several issues that may need to be clarified in this regard. The first relates to the identification of sectors: Would hospitals be regarded as one sector or be part of overall standards for health? We also wonder whether it might be useful to set out criteria to guide the committees in the development of those standards and to ensure a consistent and balanced approach. Another issue that needs to be considered is what happens in the event that consensus could not be achieved. How would such a situation be addressed? The legislation is not entirely clear on this point.

I want also to touch briefly on a concern we have respecting enforcement of the bill. As a clinician, I have difficulty with the notion that an inspector would be able to enter a clinical environment where care is being conducted without the consent of the patients. The issue needs to be carefully considered and clarified.

We will be elaborating on these issues and making suggestions for possible amendments in our written submission. But in our remaining time with you, we would urge you to look beyond the legislative provisions of Bill 118 and think for a moment about its potential applications. The reality that cannot be ignored in the effort to enhance accessibility is available resources. Change cannot be achieved simply as a result of the best efforts of committed individuals. They must also be given the necessary tools to make change happen. Many of you are no doubt aware of the pressures hospitals are currently facing to decrease their expenses. In many hospitals, this has meant the reduction or elimination of important initiatives, particularly those that do not involve a health care professional in direct provision of care. This is unfortunate, but it's a reality we must contend with in the current fiscal environment.

Hospitals are forced to make tough decisions about how they spend money, and unfortunately, accessibility is and will remain one of the many competing demands in the long list of critical issues demanding our attention, such as patient safety, staff safety, quality of care and a few others. When you factor in the fact that most hospitals were built over 40 years ago, the cost entailed in reducing physical barriers alone is daunting. We

therefore believe that to be truly effective, initiatives to enhance accessibility must acknowledge these very real challenges and provide practical solutions.

Too often, new legislative requirements translate into costly initiatives in the absence of new funding. The result is that those responsible for implementing the legislation are given an almost impossible task. As I stated earlier, hospitals are natural champions of accessibility for all but are constrained in their ability to do what truly needs to be accomplished. With Bill 118, we really do not want to be set up to fail.

We would therefore suggest that consideration be given to the allocation of dedicated funding for the implementation of new accessibility standards and their supporting technology, be it for the installation of accessible washrooms, the redesigning of Web sites, the hiring of sign language interpreters, all the way to the application of artificial intelligence technology that can allow people with physical or cognitive impairments to manoeuvre safely and independently in our society.

We would also hope that much-needed educational materials and supports, so integral to combating attitudinal barriers, will ultimately be developed at a provincial level by the standards advisory council. These would be invaluable to those working within a limited budget and would ensure a more consistent approach to accessibility across the province. These resources need to be available to all sectors. While we believe that the health care sector should be exemplary, we also want to know that when patients return home to their communities, they have the supports they need to live full and independent lives. The Ontario Hospital Association and hospitals are committed to doing whatever is necessary to make hospitals more accessible to the disabled, but we need your help to make that a reality.

Once again, thank you for the opportunity to appear before you. I would certainly welcome questions, if we have time.

1410

**The Chair:** We have one minute each, and we'll start on the government side.

**Ms. Wynne:** I take your point about resources. I'm looking at this tool kit that you included in the package, and I just want to get a handle on the difference between the reality, if and when this bill is passed, as opposed to what we're living under now. This is a template for a hospital's planning process. So a hospital could go through this planning process, and then what would happen to the plan?

**Dr. Tardif:** That's an excellent question. All hospitals are mandated to develop accessibility plans. Certainly, I've helped and I've asked some of my colleagues to develop these plans. You identify a lot of barriers within your hospital. We have not really had a lot of feedback on these plans from government, from the Ministry of Health.

**Ms. Wynne:** So the plans were developed without relation to a standard and you haven't got feedback on

them, and the hospitals could implement or not implement.

**Dr. Tardif:** It would be helpful to have best practice examples from the ministry on that topic. Hospitals have implemented a lot. I know that from talking to colleagues, and I know that in my own environment we do that. It's been a very interesting process, in that you do identify things you never realized, once you spend a few hours. You need to actually think about it.

**Ms. Wynne:** But it was a plan, not an implementation.

**Dr. Tardif:** Correct.

**The Chair:** Mr. Jackson.

**Mr. Jackson:** Just to build on Ms. Wynne's point, the original purpose was to prioritize which areas of the province would move toward standards, and hospitals were deemed to be one of the first priorities. The reason wasn't just because of accessibility; it was because the province was investing hundreds of millions of dollars in new construction and the point was that we really wanted to try to get the new construction to conform to the best possible standards, because there are standards all over the place. Unfortunately, cabinet didn't support the notion that over a 10-year period, X and Y should be done, because the hospital association at the time said, "Look, we don't even have an inventory. We don't know what the standards are. We need to create them."

I think what's insightful here is three things. The ministry reacted quickly and worked with you directly on a tool kit so that you now have your inventory. That means, once you have a standard, you can now go out and cost what it would be to get you up to that standard, both in retrofit and in new construction. So that progress has been made.

The issue I'm having a concern about is that this will no longer be relevant or be utilized, given that the requirement to file plans is being dropped in the new legislation. Now there are a lot of good things in this legislation; I'm not here to suggest a wrong point. What I'm trying to say is that we're hearing we need a process to audit what's going on. We need people who are, to the best of their ability, skilled at understanding disability issues, which the people who worked on this document of yours have now become, in hospitals all across Ontario, and who are now in a position to say: "Do you know what? We can do a better job to this standard. We're now ready to do it. We've been sensitized. We've been trained. We've got a coordinated process." That was step one.

My concern is that we are now taking the Ministry of Health off the hook for governments of any stripe to make the political decision. Where is our priority? Are we going to put more money into MRIs, or are we going to put more money into making our hospitals more accessible? The public can never understand that question if it can't first quantify the need and determine just how much it might cost. Society will make those decisions, but what we're losing here is the ability for us to raise the question publicly, because the work hadn't been done. The first phase is done.



We now move to the second, which is the standards, but you in the hospital sector have to implement that. That's really what I want to thank you for, because you've done early work. Unfortunately, for the last year and a half, work such as this has been stopped in the college sector and the other sectors that were required to do it under the old act, but you did comply with it. I want to publicly thank you for your early work, and I hope it doesn't go unnoticed and unused.

**The Chair:** Ms. Martel.

**Ms. Martel:** Thank you for being here today. My concern would be how we ensure that what you did—because you had a responsibility to develop accessibility plans—is work that is not lost. How do you see the accessibility plans that have already been developed across the hospital setting fitting into the government's proposal for the development of standards?

**Dr. Tardif:** We'll give you some more concrete ideas within the written submission; however, the hospitals have found that process of having a plan quite useful, so it might not necessarily be something that needs to be dropped in its entirety.

**Ms. Martel:** I hope not.

**Dr. Tardif:** There might be a way to continue, even for the hospitals to continue to know where they can do better and be able to cost some of the capital expenditures that are required. If you cost all of it, it will be a scary number. However, there might be some easy wins. There are examples of recent easy wins, not in accessibility but, for instance, in targeted funding. We have nurses who are getting older and hurting themselves. So what happens? There are a certain number of electrical lifts that are being funded. Hospitals have no choice but to do this. I think there are limits on what should be prescriptive in a global budget. However, accessibility being prescriptive with the funding might be an excellent idea.

**The Chair:** Thank you very much for your presentation.

## SENECA COLLEGE

**The Chair:** The next presenter will be Seneca College.

While they set up, may I remind the presenters to moderate their pace so that all the people in attendance are able to understand and appreciate the presentation equally. That's the way I started saying it yesterday, and I changed it this morning. We'll go back to the old line.

You have 15 minutes in total. If you leave some time, the members will be able to ask you questions. Proceed whenever you're ready.

**Ms. Kim Raymer:** Thank you, Mr Chair. My name is Kim Raymer, and I'm a resolution officer. With me are Cindy O'Brien, acting director—we're both from the Resolution, Equity and Diversity Centre—and Mr. Arthur Burke, director, Counselling, Learning Centre, Disability and Health Services, Seneca College of Applied Arts and Technology. On behalf of the Presi-

dent, Mr. Miner, our students and our employees, we thank you for the opportunity to come before you today and present Seneca's position on the proposed legislation, Bill 118, Accessibility for Ontarians with Disabilities Act, 2005.

Seneca is the largest college in Canada, with more than 100,000 full- and part-time students on campuses across the greater Toronto area. In addition, Seneca employs over 1,400 full-time employees. Seneca welcomes and supports people with disabilities in all academic, business and hiring activities as part of our ongoing commitment to diversity. Therefore, our accessibility planning not only includes our students but also our employees. Seneca's teaching and learning environment continues to strive for inclusivity at all levels.

After the introduction of the Ontarians with Disabilities Act, 2001, Seneca College set about to review its position, to ensure that persons with disabilities have an equal place in its academic setting, in both employment and education. Seneca recognizes that people with disabilities offer an untapped source of talent, skills, abilities and experience that add value in a competitive workplace setting. People with disabilities, especially our youth, are seeking the opportunity to obtain a post-secondary education to ensure that they have the skills necessary to be successful in the workplace.

Organizations with broadly inclusive workplace cultures increase tangible results, which include improved productivity, quality and morale, as well as an enhanced reputation as an employer of choice.

Seneca applauds the government for its work on Bill 118 and looks forward to its proclamation as law. Seneca College embraces the proposed legislation, as it inspires us to accept the challenge of ensuring the continued success of our students and employees.

Recent statistics at Seneca reveal a remarkable increase in the number of students who are currently accessing an educational accommodation. Fourteen years ago, Seneca reported 150 students with identified disabilities accessing educational accommodations. Today, that number has grown to over 1,500. In addition to our student accommodations, the college has assisted over 200 employees with workplace accommodations.

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Accessibility planning at Seneca has always been a priority for both students and employees. Since the mandate of the Ontarians with Disabilities Act in 2001, Seneca has taken an even broader approach to accessibility. Some examples of our commitment to accessibility include:

—Compliance upgrades to our physical environment are underway, with some completed. Renovations and new construction projects have assisted with meeting compliance requirements. Outstanding items requiring a significant financial investment are awaiting funding or inclusion in regular upgrading and maintenance.

—Assistive technology has been installed on student computers at all campuses, in computer labs and the learning commons areas.

—In addition to the ongoing counselling support students with disabilities receive, Seneca now employs learning strategists and an assistive technologist.

—The college offers a peer-mentoring service in addition to specialized academic programs such as the college vocational program and the general arts and sciences transitions program. These two programs offer support and academic opportunities for our students with learning and physical disabilities. Additionally, our Redirection Through Education and our Work on Track programs offer academic opportunities for persons with mental health histories.

—The college is now able to conduct full psycho-educational assessments, screen students for learning disabilities like ADHD etc., and do full career assessments on site.

Due to time constraints, we have chosen to focus on the following points, which we believe would strengthen the bill and ask for your consideration.

Will the college be restricted from dealing with community contacts, for example, co-op placement opportunities, contracted services and potential graduate employers that do not meet the mandate of this legislation?

We ask for guidance where health and safety concerns may be in question with respect to allowing a student to pursue an education where there are expectations of medical fitness. What will be the expectation of post-secondary institutions in these situations?

Will information for services offered externally, such as health care services for attendant care and transportation needs, be consistently and centrally organized and coordinated through one office?

Will access to information about funding offered externally—for example, OSAP, special-needs bursary and transition bursaries—be consistently and centrally organized and coordinated through one office?

Will textbook publishers be considered service providers under the legislation? If so, will they be mandated to provide textbooks in alternative formats to government-funded educational institutions?

Will educational institutions that are graduating architects and other professionals in the design and construction industry be required to include a subject on accessibility standards in their curriculum?

In light of Bill 118, does the Ontario building code establish satisfactory standards? Based on our experience with physical access upgrades, we ask that the Ontario building code be examined to ensure it meets the compliance requirements of this legislation.

We know that this committee is fully aware of the importance of funding. As you can appreciate, funding is one of the most prominent issues for post-secondary institutions. If traditional post-secondary institutions are to become fully accessible to all people regardless of disability, the funding required to meet the compliance obligations of Bill 118 must be reviewed. If additional funding is not available, then meeting the five-year target

dates set for implementation of standards will be difficult to achieve.

Seneca College is fully committed to implementing the requirements of Bill 118. As previously mentioned, Seneca College embraces the proposed legislation, as it inspires us to accept the challenge of ensuring the continued success of our students and employees. We ask this committee to review the comments we have identified and consider addressing these concerns in the legislation. We appreciate the opportunity you have given us to voice our support for the legislation.

**The Chair:** Thank you for your presentation. There is about a minute each, and I'll start with Ms. Martel for the questioning.

**Ms. Martel:** Thank you for being here today. Can I just bring you to point number 1, your first concern? I'm not clear that I understand it, and I wonder if you can explain it to me again and tell me what in the legislation gives you the concern that those people who come to you from co-op placements etc. would not have employers—I use that in the broadest sense—who would be under the legislation?

**Mr. Arthur Burke:** Generally, what happens currently—let's assume that we have a floral designer, that there is a co-op placement with a floral designer. I don't know if you've been to a florist lately, but generally speaking, if you can get in, the facility itself is not necessarily accessible: the height of a counter, for example, that you would design your floral design on, etc. These items present an issue for us as to that co-op accessibility. There are numerous others: Veterinary technicians, for example, face a similar type of thing. So when you address the issue of accessibility, you're talking about more than physically being able to walk in or roll in the door and use a washroom when it comes to issues of co-op and employment.

**Mr. Jackson:** I want to commend your sector, because you've done a good job with your accessibility plans and, more importantly, accessibility planning. I remember the first university I visited as minister was Lakehead. They had—I'll never forget it—a 10-year plan, and they were two years into it. No one had asked them; they took it upon their social conscience. And they affirmed what you said in your final recommendation: "Cam, we can't do it in five years, but we believe we can do it in 10 years, because we can't rely on government to be there for the money. It's a commitment we're making to our students."

I never forgot that, and I spent a little more time there as I tried to understand just—but what I was impressed by was the number of students who were unable to participate in their academic life unless the colleges confirmed—and as you know, there was a large capital expenditure and it was important that those monies be spent with this understanding.

Do you support the notion that accessibility plans and accessibility planning be continued in this legislation, so that you can tell the government, "This is what we can do, but we may need some help with these other areas as part of this process?"



**Mr. Burke:** Yes.

**The Chair:** Mr. Leal.

**Mr. Leal:** I want to thank the group from Seneca for their submission today. About a month after I was appointed parliamentary assistant to the Minister of Training, Colleges and Universities, I had a wonderful tour of Seneca with President Miner, and I was certainly impressed. Seneca is certainly at the forefront of integrating disabled students into the academic programs. But I will certainly commit to you today that I will take to Minister Chambers the seven points you've raised about Bill 118 and have our ministry review the very important issues that you raised within those seven points.

**The Chair:** Thank you again for your presentation.

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#### GLASNOST COMMITTEE

**The Chair:** The next presentation will be Patients' Right to Effective Treatment. I will remind you to moderate your pace so that all people in attendance will be able to understand and share the presentation equally. You have 15 minutes in total for your presentation and questions. Start any time you're ready, Madame.

**Ms. Helke Ferrie:** Good afternoon. My name is Helke Ferrie. I'm speaking on behalf of Patients' Right to Effective Treatment, but this is part of a group so I'll just give you an introduction to that. I am actually representing the Glasnost Committee, which consists of a number of groups: the Ontario Medical Association section on chronic pain and the Ontario Physicians' Alliance—between them, that's about 1,000 doctors; Citizens for Choice in Health Care—that organization is familiar to you through the support they gave to the Kwinter bill, the health freedom bill, that became law in the Medicine Act in 2000; an organization called RAINET, which works for people with multiple chemical sensitivity; then Patient's Right, which works particularly with asthma patients; a group called Patients and Friends of Dr. S. Kooner; and then myself, Kos Publishing. I run a publishing company devoted to books on medicine and the politics of medicine.

The Glasnost Committee was formed in the year 2000. The word "glasnost" is Russian and means "transparency." It became known worldwide through Mikhail Gorbachev. We chose this word in order to draw attention to the need for transparency in the politics of medicine. The doctors and patients of these groups felt very strongly that certain reforms were necessary with regard to the regulation of medicine in Ontario. The health issues for which we were seeking help from the Ontario government starting at that time were specifically for three problems: chronic pain, multiple chemical sensitivity and asthma. Patients in these areas were experiencing special hardships, as were doctors practising in those specialties. We published a report, the Glasnost Report, in 2001, copies of which went to all the MPPs of the Ontario Legislative Assembly. It can be

downloaded from my Web site, and you will have a written version of what I just said where you can look that up.

Over the past five years, a lot of changes have happened, most for the better. For example, multiple chemical sensitivity is now based on international consensus that defines its diagnostic criteria. Canada's Department of Human Development and Resources has recognized this diagnosis as a valid medical condition eligible for disability pensions. I was recently contracted by the HRDC to coordinate the development of guidelines for their 400 intake workers across Canada who handle applications from people with an MCS diagnosis.

Pain now has the internationally accepted designation of being the fifth vital sign. Following a report by Senator Sharon Carstairs on chronic pain, new guidelines were drawn up for doctors across the country, and the chair of our organization, the Glasnost Committee, Dr. Peter Rothbart, has been intimately involved in that.

Finally, asthma has become a major focus internationally and also here in Ontario because of its dramatic rise. In Ontario alone, in the last five years it has risen by 35%. The World Health Organization has designated it as an epidemic. International research and the recent report by the Ontario College of Family Physicians prove now beyond any reasonable doubt that environmental toxins are the major causal agents of asthma. We had a press conference here at Queen's Park last November, and our group was kindly invited by the Ministry of Health to become involved with Ontario's asthma task force as well as the review of the current treatment guidelines.

When we were made aware of Bill 118, we were delighted, because MCS—multiple chemical sensitivity—pain and asthma are among the invisible disabilities. Our position is as follows:

(1) Accommodating invisible disabilities has the inevitable effect of introducing into society a major ripple effect of preventive medicine.

(2) It makes good economic sense. Sometimes a very slight accommodation makes the difference between a person being on a disability pension at home and that same person being a taxpaying citizen involved in meaningful work in society.

My remarks are of necessity general, primarily because the excellent report done by the Ontarians with Disabilities Act Committee covers some of what we thought and a lot of what we didn't think of, and we are delighted to learn so much from the report. The Glasnost Committee absolutely endorses and supports this report. I would like to mention that one of the provincial representatives and the founder of the Essex-Windsor part of the ODA committee, Mr. Dean LaBute, is also the chair of one of the groups that started the Glasnost Committee.

I will make a few comments about the three invisible disabilities.

First of all, chronic pain: Modern medicine has made tremendous advances in handling this problem. People thus afflicted do not need to be shut away from society like the classic—

**The Chair:** Excuse me. Could I ask you to slow down a little, please, so I can appreciate what you're saying? Thank you.

**Ms. Ferrie:** OK. People afflicted by chronic pain do not need to be shut away from society like the classic invalids of 19th-century novels. I personally know several chronic pain patients who work full-time and pay taxes, contribute to society according to their gifts, and manage. I am not an expert on such problems; however, the Ontario Medical Association chair of chronic pain, who is the chair of the Glasnost Committee, is indeed such an expert, and there are more than 300 doctors in Ontario who specialize in pain medicine and who are part of that OMA section. I understand from them that accommodating such patients is not necessarily costly, certainly not difficult, and often requires simply some education on the part of the people who employ them.

Multiple chemical sensitivity is the second item. You wouldn't know from looking at me that I am a person with an invisible disability. I became severely ill with multiple chemical sensitivity in the mid-1990s. I was unable to drive a car, unable to do my own shopping or even to read. It stopped my work at the University of Toronto, where I was at that time pursuing my Ph.D. in anthropology. I became ill as a result of pesticide and heavy-metal poisoning. Today, I still would not be able to work in a typical office in downtown Toronto. A few hours in a room like this one, with several people wearing scented products, will still produce a migraine, often lasting several days. And if exposed directly to a person wearing aftershave lotion, I will rapidly develop difficulty in breathing, muscle twitches, double vision and stomach cramps. Through proper treatment by a doctor trained in environmental medicine, I am now functional and put up with the occasional attack of this type because I recover rather quickly. Speaking in support of this bill today, for example, is important enough to risk a migraine.

I am running a publishing company devoted to books on environmental medicine, and I pay taxes. About a third of our house is now my office. Occasionally, I find that my needs are already met, because so many people have this problem now. For example, the big office buildings in Ottawa housing the HRDC all have a scent-free policy. I return from meetings at the HRDC as fit as when I left for Ottawa.

In the late 1970s, this MCS problem hit the Environmental Protection Agency headquarters in Washington, DC. New carpeting had been installed with the typical neurotoxic glues. More than 600 EPA workers became so seriously ill that two thirds of them had to be accommodated by being allowed to work from home, which is what they still do to this day, and the EPA is no worse for it. This may merely serve as one example.

Finally, asthma: Asthmatics usually know exactly what triggers an attack, and accommodation is in most cases not difficult at all. One example is cleaners. It would in most instances be cheaper to use an environmentally friendly cleaner for windows, furniture and

floors, thereby also keeping the air breathable for asthmatics. Plain vinegar kills surface bacteria more effectively than any cleaner containing chlorine. Institutions, daycare centres, old age homes, schools etc., would save the employer and the government a pile of money in medical expenses as well as administration costs by switching to cleaners that don't pose hazards to asthmatics. That's only one of many possible examples.

In conclusion, these invisible disabilities are increasing in number. Eventually, as we are cleaning up the world's environment, they will undoubtedly decrease. But things are going to get worse before they get better; therefore, this bill is very important. Accommodation is not necessarily more costly, because in most instances it involves more often than not refraining from certain practices. Accommodation also prevents new cases of MCS and asthma from developing, because medical science and toxicology now know that frequent exposure in low doses causes MCS-related illnesses. And in most cases it is pollution that causes asthma, and that can also be prevented. Accommodation is thus also an instrument for prevention.

Unexpected additional benefits also arise. Building ramps for wheelchairs have been shown to assist mothers with baby strollers, trolleys carrying all sorts of goods, and are welcomed by people with arthritis or recovering from a knee or hip operation. The same is likely to happen from accommodating invisible disabilities.

It is, of course, crucial to the success of this bill's intent who the chosen experts are. Recently, the Supreme Court ruled on just what constitutes an "expert"; that definition should be followed. Experts should be people who have these disabilities, as well as those who work in the relevant areas of medicine.

The Glasnost team requests that this committee consider including us in the process of making this bill a reality. We have much experience with these particular invisible disabilities, as well as access to experts whose knowledge would be helpful. Thank you.

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**The Chair:** Thank you very much for your presentation. We have about a minute and a half each, and I will start with Mr. Arnott, please.

**Mr. Arnott:** I don't have any questions, but I wanted to thank you very much for participating in this important process and offering us your professional advice and expertise.

**Ms. Martel:** Thank you for being here today. You were naming the groups involved in the committee at the start, and they're on Hansard, but I did not catch them all. What would be the overall membership, then? Did you mention that and I missed it?

**Ms. Ferrie:** I cannot answer that exactly, but the two big professional organizations are the OMA section on chronic pain and the Ontario Physicians' Alliance. Between them, that's approximately 1,000 doctors. At Citizens For Choice in Health Care, I really don't know. Research Advocacy is actually an organization that works for people with MCS and takes them through the



various court procedures, appeals, workers' compensation and so on. So it's a professional group of people who help them; it's not actually membership. And then Patient's Right to Effective Treatment was the group that presented the 1,600 signatures in the petition on November 22 here at Queen's Park. Patients and Friends of Dr. S. Kooner are somewhere in the range of between 2,000 and 3,000 because they're his patients in the Windsor area and he's an asthma expert. Kos Publishing is, again, a company.

**Ms. Martel:** There's a broad number and range of expertise that the government could call on, either to sit on the standards development committee or to provide expertise to those committees as well. So that's good for us to know, and we appreciate very much the offer of that expertise. Thank you for being here.

**Mr. Ramal:** Thank you for this detailed information, which was actually new to me. I was just listening to you and it was well detailed. I have a question: How many people are suffering from MCS and asthma across the province? How can we identify the problem and then eliminate it?

**Ms. Ferrie:** I cannot answer that for Ontario with regard to MCS but I can give you the EPA estimate that the United States made, and it's probably similar for Canada. Depending on whether you're talking about the severe cases of MCS, people who literally can't function in the outside world, or whether you're looking at MCS on a broad spectrum, the EPA estimates that 14% of the population has this condition. For Canada, I can't answer that.

**Mr. Ramal:** I'm talking Ontario; I'm not talking Canada.

**Ms. Ferrie:** There was a report done in Ottawa in 1999, I think it was, where an organization was hired to do this kind of assessment, and the estimate was that about 6% of the Canadian population suffers severely from MCS.

**The Chair:** Ms. Wynne, a quick one, please.

**Ms. Wynne:** I just wanted to comment. One of the things that's interesting about this presentation—and we had someone talking about environmental sensitivity yesterday—is that in fact the accommodation could solve the problem, and you talk about that. So is one of the standards that we should be looking for sort of looking out into where we get to a point where these problems don't exist? Is that the kind of thing—because this kind of accommodation is different than the physical accommodation that we talked about around paraplegics or other folks.

**Ms. Ferrie:** You've asked a very large question.

**Ms. Wynne:** Well, you raise a very big issue.

**Ms. Ferrie:** I won't be able to answer it in a hurry, but I can give you a short answer. We do have the Environmental Health Clinic that is attached to the University of Toronto, and Dr. Lynn Marshal, who also is at the university, is an expert in this. In fact, she was one of the group of people who established the international guidelines for the diagnosis of this condition. She's someone who would really be able to help you with exactly that.

**The Chair:** Thank you very much for your presentation.

## ONTARIO RESTAURANT HOTEL AND MOTEL ASSOCIATION

**The Chair:** The next presentation is the Ontario Restaurant Hotel and Motel Association. Please start whenever you're ready. I would just like to remind you to moderate your pace so that all the people in attendance are able to understand and appreciate the presentation equally. You have a total of 15 minutes. Please start whenever you want to. Thank you.

**Mr. Terry Mundell:** Good afternoon, Mr. Chairman and members of the committee. Thank you very much for allowing me to be here today. My name is Terry Mundell, and I'm the president and CEO of the Ontario Restaurant Hotel and Motel Association. I'm joined today by my colleagues Fatima Finnegan, manager of education and professional development, and Michelle Saunders, government relations advisor. It's my pleasure to have the opportunity to speak with you regarding Bill 118, the Accessibility for Ontarians with Disabilities Act.

The Ontario Restaurant Hotel and Motel Association is a non-profit industry association that represents the food service and accommodation industries in Ontario.

**The Chair:** Mr. Mundell, could I ask you to slow down a little, please, so that we will be able to appreciate the presentation fully, all of us.

**Mr. Mundell:** My apologies. With over 4,100 members province-wide, representing more than 11,000 establishments, the ORHMA is the largest provincial hospitality industry association in Canada. Ontario's hospitality industry is comprised of more than 3,000 accommodation properties and 22,000 food service establishments.

The ORHMA was pleased to participate in the ministry's consultations for this piece of legislation and supports the intent of the Accessibility for Ontarians with Disabilities Act. The ORHMA urges this committee and the government to proceed cautiously, taking into consideration the varied realities of the business community as well as the uncertainty that will continue until all of the deliverables of the sectoral plans are fully understood.

For the business community to make investments and to fully support the legislation, we need certainty on a number of fronts: certainty that there is clarity and a shared understanding of the meaning of disability and accessibility; certainty that sectors will be defined and identified through an appropriate process; certainty that the government will support the private sector's efforts in moving toward accessibility; and certainty that the government will ensure that its policies and requirements mesh into a comprehensive vision.

The accepted definition of disabilities as shared by both Bill 118 and the Ontario Human Rights Code is daunting and is not well communicated outside of government. The average Ontarian has their own understanding of the definition of disability and, almost with-

out exception, whenever this issue is raised in meetings the question is asked, "What does the government mean by disabilities?"

The government must engage the public in meaningful dialogue. It's not sufficient that there be a definition of disability; rather, it is imperative that there be an understanding of disability and disability issues. We need to help Ontarians understand what it is we mean when we use the words "disability" and "accessibility."

Upon the passage of the legislation, some of the early work that must be done is the establishment of sector- or industry-specific standards development committees. The hospitality sector includes the full spectrum of food service and accommodation establishments. The ORHMA therefore submits to the committee that consideration be given to how sectors will be identified. For example, there are different operational perspectives for quick-service and fine-dining establishments. There are different operational perspectives for establishments owned and operated by large chains or independently. There are also different economic realities and issues around access to resources in different parts of the province.

The government must also be mindful of the competitive nature of our business. The ORHMA is concerned that the process for identifying sectors has not been laid out and suggests that this, in and of itself, will prove a challenging task.

The membership of the ORHMA is comprised of all segments of the hospitality industry province-wide, from large multinational hotel chains to small rural motels, from quick-service to fine-dining to family-casual restaurants, both chain and independent. Like many industries, different segments of the hospitality industry have varied experiences and therefore differing capacities to address accessibility issues in depth.

As you will all likely know, over the last two years, the Ontario Human Rights Commission has examined the issue of accessibility within several fast-food restaurant chains. Establishments were audited for elements such as handicapped parking spaces, ramps, appropriate counter level heights, legible menu boards, accessible washroom facilities and appropriate seating arrangements. Over these years, these chains have had dialogue with the Human Rights Commission on issues such as identifying and addressing barriers, staff sensitivity training, acceptable design standards, accessibility reporting and the duty to accommodate.

The majority of our industry is independently owned and operated and may yet require further discussion to be fully able to address the issue of accessibility and meet standards. The government must consider the reality of these operators, dealing with items such as landlord-tenant agreements and limited access to capital funding that could potentially affect one's ability to meet a standard.

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Throughout our industry, access to capital has been and continues to be a serious problem for operators. In 2004, the pre-tax profit rate for the food service industry

was 4.3%. For the pub and tavern sector, it was 3.7%. The ability to access capital funding depends on return on investment and it continues to be a barrier for us. The government must ensure that there are supports in place to assist the business community in meeting the standards resulting from the legislation.

Accessibility requires vision and dedication. It also requires commitment from all parties. The government must also provide the private sector with the certainty of knowing what is required. A comprehensive review of policy is needed to ensure this. It's currently possible to be in full compliance with the Ontario building code but not with the Ontario Human Rights Code. Bill 118 provides another layer of policy and regulation. Furthermore, the authority of municipalities to develop their own standards could result in more confusion. The business community needs certainty in the fact that there is one set of rules: one set of rules that apply province-wide and one set of rules that we can invest in.

As the minister indicated in her statement to the Legislature on December 2, 2004, throughout the ministry's consultations they heard from Ontarians with disabilities of the need to include the private sector in the legislation, as well as the need for strong enforcement measures. The government must keep in mind that the different segments of the private sector are, rightly or wrongly, just beginning to enter into the dialogue. They have different capacities to meet standards.

The ORHMA urges the government to focus on compliance and not merely enforcement. The legislation provides inspectors with sweeping powers and sets out significant maximum fines. But this should be about true accessibility and compliance, not just focused on enforcement, inspections and penalties. The government must ensure that there are supports in place to help industries and businesses become accessible.

In closing, while the ORHMA supports the principles of Bill 118, we suggest to this committee that the vision of accessibility is only achieved with the buy-in of the private sector. To truly gain that, the private sector requires certainty that there is but one provincial body establishing one common definition of disabilities and accessibility and one set of rules and standards that apply throughout the province. The ORHMA has concerns with the capacity of the private sector to implement the government's vision, as standards and cost implications will not be known until sector plans are complete. For the business community to invest, there must be certainty.

Our association and our industry look forward to continuing to work with the government on these issues, to continuing to work on sector plans, and we urge the government to immediately engage both the private sector and the public in meaningful and ongoing dialogue.

Thank you very much for your time.

**The Chair:** We have a minute and a half each, and we'll start with the government side.

**Mr. Leal:** I understand the American disabilities act, which was the product of Senator Kennedy and Senator



Hatch, who were the authors of that legislation, incorporated a provision for tax credits for businesses to allow them to comply. Would you like to see that approach perhaps incorporated into this bill?

**Mr. Mundell:** Thanks very much for the question. There are a couple of issues around affordability. The first one is, we have to understand the sector plans. Once you understand the sector plan, you start to understand your capital requirement. There is a huge issue in the hospitality industry to access capital, particularly if you look at return on investment, since what we went through with SARS, the power blackout and all those other issues. Tax credits are indeed one method, one avenue, that could affect the private sector and help them get on with some of the important work that's needed to comply with this legislation.

**The Chair:** Mr. Craitor, just a quick question.

**Mr. Craitor:** The community I represent, Niagara Falls and Niagara-on-the-Lake, is world-class. Everyone knows the address. We are projecting that up to 25 million tourists will be coming through our community, so I just want to make some really quick comments to you.

From my perspective and from the businesses I hear in my community, one of the best investments they can make is making their facilities open and accessible for the disabled. Those people look forward to coming into our communities and having facilities that they can access. So I look at it as an investment, not as an expense.

The other thing I want to comment on is, you made a statement in your presentation that the government will have to ensure that its policies and requirements mesh into a comprehensive vision. I just want to share with you that the intent of this legislation is not for the government to come up with policies and procedures; it's to set standards by working with all sectors. At the end of the day, all the sectors—whether it's the private sector, the disabilities sector, the government sector—will set the standards, and that will take the disability bill forward. We will do it in consultation. That's the intent of the bill.

**The Chair:** Thank you. Ms. Martel.

**Ms. Martel:** Thank you for being here today. I don't think I understood your concern regarding how the sectors would be identified. This is on your page 3. You talked about "different operational perspectives for quick service and fine dining establishments" or "for establishments owned and operated by large chains or independently." But if I just talk about physical barriers—whether there are handicapped parking ramps, appropriate counter space etc.—that would be applicable whether it's family-owned or a chain. Can you clarify what your concern is there in terms of how the sector is identified?

**Mr. Mundell:** Thanks for that question. There's no doubt there are some issues that would be common across the whole sector. Again, I think the key to this is to understand how the sector plan would be developed for different sectors within an industry. Quite frankly,

there are some differences within the industry in how they operate and function. I think what you need to do is try and identify, first of all, what those common elements are, as you spoke about earlier, and then what are those elements that may be a little bit different pertaining to each sector—define them in the sector plan and then understand how you would deal with them as an industry on a go-forward basis. So you really need to be careful. One size doesn't necessarily fit all, I guess, across our sector and the business community.

**Mr. Jackson:** Terry, welcome. You are aware that yesterday the minister confirmed to the committee that the first standards committee would be the hospitality sector in the province. You are aware of that?

**Mr. Mundell:** Yes.

**Mr. Jackson:** In your brief, you expressed some concerns, and virtually all the reports that have come forward have indicated that we should maybe get the membership and terms of reference and get things all done within a three-year period instead of the first five-year planning period. Did you have some comment about that? If there's a brief answer, then I can ask you a question about the merging of the Human Rights Code requirements, the building code requirements and this legislation's requirements and how that might happen.

**Mr. Mundell:** I think the key to success in this is developing the sector plans, and I think you need to take the time to do it right. We're aware of the minister saying our industry would be the first to comply. We've made some significant moves in the hospitality industry, with accessibility checklists which are available on our Web site, with disability sensitivity training which we run across the province, with Access Canada. These are all programs that we utilize today. I think the real key is going to be to get the sector plan done and do it right. It's going to take an enormous amount of work. We're prepared to commit to doing that, but we need the time to do it right.

**The Chair:** Thank you very much for your presentation.

#### ANTI-ABLEISM COMMITTEE

**The Chair:** We will move on to the next presentation, and it is the Anti-Ableism Committee. Are they present in the room? Thank you. You can have a seat here, sir. Take your time. Whenever you are ready, you can start. You have a total of 15 minutes to make your presentation and, if you want, for the membership to ask questions. The only thing I ask is if you could please moderate your pace when you make your presentation so that we will all be able to appreciate the presentation. Please proceed when you are ready.

**Mr. George Wallace:** Thank you. The Anti-Ableism Committee, the AAC, is a group of tenants and staff from the Toronto Community Housing Corp., the largest housing provider in Canada, concerned with accessibility issues for tenants with disabilities and seniors aging in place. The committee seeks to create conditions where all

tenants living in the Toronto Community Housing Corp. are treated as equal, without discrimination; have an opportunity to advocate for themselves; and control decisions that affect their lives, as well as having the physical access and support they need so that they can be an integral part of their communities.

#### 1500

The Anti-Ableism Committee would like to thank you for this opportunity to discuss our response to the amended Ontarians with Disabilities Act, ODA 2001, now called the Accessibility for Ontarians with Disabilities Act, or Bill 118. Members of the Anti-Ableism Committee have spent an extensive amount of time reviewing the text of both of these legal acts. We have four major areas of concern: scope of the AODA; communication, including both the language used in the law and how that law is communicated; enforcement of the regulations; and timelines for the obligations set forth in the AODA.

The AAC recognizes that the AODA is a significant improvement over the previous ODA legislation, as it now pertains to every person or organization in both public and private sectors of the provincial economy. However, this applies only to those entities to which an accessibility standard applies. It is only after an accessibility standard has been developed that the AODA in fact applies to a person or organization, as section 62 states. Therefore, the AAC strongly recommends that the wording in the application section to which an accessibility standard applies be simply removed. Further, in the bill's application, the term "public and private sectors" needs to be clearly defined to avoid confusion in their interpretation.

The development of these accessibility standards will take time, as standards development committees are established for each industry, sector of the economy or class of persons or organizations, as specified by the minister. Once formed, these committees propose initial accessibility standards and submit them to the minister, who then ensures that the public has at least 45 days to respond with comments to the respective standards development committee before the committee re-evaluates the standards and submits the finalized version to the minister, who in turn gives it to the Lieutenant Governor in Council to grant royal assent, making the accessibility standard an official regulation.

We also have problems with the content and scope of accessibility standards in that an accessibility standard may be general or specific in its application and may be limited as to time and place (subsection 6(8)) and may define a class of persons or organizations according to any attribute, quality or characteristic (subsection 6(6)) to include or exclude (subsection 6(7)). These variances seem to provide loopholes that can weaken the impact of this bill. Already each standards development committee has their own terms of reference determining timelines for the process of implementing their sector's accessibility standards by outlining long-term accessibility objectives and progressive time frames, to a maximum of

five years from each previous target date. It will be several years before the standards development committees enact the first set of accessibility standards that will undoubtedly not include all the persons or organizations that will eventually be covered under this act.

The AAC recommends that the target dates for each stage of the accessibility standards development be shortened significantly and that the appointment of the standards development committee members be completely complementary to ensure consistency. Five years is too long for the disabled to commit to any project.

The AODA gives the standards development committee the responsibility for developing accessibility standards for their sector, but then leaves it up to the government to decide whether or not to adopt them as formal and binding regulations (section 6). We advocate that all finalized accessibility standards become mandatory and made into regulations after public consultation.

The AAC is concerned with AODA's vague phrases on language, leaving too much open to interpretation. Throughout the act there are numerous instances where "may" or "shall" are used to describe the duties of those implementing the provisions. "May" presumably gives an option of performance, while "shall" denotes a requirement, but both words cloud the intent and legally have different interpretations.

This act is to benefit all Ontarians by providing accessibility to Ontarians with disabilities with respect to goods, services, facilities, occupancy of accommodation, employment, buildings, structures and premises, section 1. What does "benefit all Ontarians" really mean? The previous ODA states "the right of persons of all ages with disabilities to enjoy equal opportunity and to participate fully in the life of the province" and mainstream society without barriers or discrimination (preamble and section 1). The purpose of the act highlights the government's vision and why it is being enacted. While the AODA recognizes existing legal obligations imposed by other legislation, it clearly states that if this bill is in conflict with other regulations, it supersedes all of them so as to provide the highest level of accessibility for persons with disabilities (section 39). The intent of the AODA is anti-discriminatory to secure greater rights for those with disabilities. The AAC believes that the purpose should be restated to include the wording "barrier-free" and to make these intentions indisputable.

The AODA definition section has some surprising omissions. This act maintains the same definition of disability as the ODA and the Ontario Human Rights Code, even though the intent of the law is to be inclusionary rather than exclusionary. The definition of "disability" does not include all types of disabilities, like invisible disabilities such as chronic pain; chronic fatigue syndrome; bipolar disorder; intermittent, cyclical, episodic or progressive conditions; or environmental disabilities, to name a few. The AAC recommends a broader definition of disability that focuses on restrictions to participation.

While the definition of "barrier" means "anything that prevents a person with a disability from fully partici-



pating in all aspects of society because of his or her disability,” including physical, architectural, information or communications, attitudinal and technological barriers or those in the form of a policy or practice, there is no mention of socio-economic barriers that nevertheless do prevent many citizens from participating in society to the degree that they choose. Although the government’s intent is to create a barrier-free environment, this wording does not appear anywhere in this act despite its being an underlying concept.

Probably the most glaring omission in definitions is that of accessibility, despite the title of the act beginning with this very word. The AAC is particularly concerned that accessibility is properly defined to avoid problems with the interpretation and future litigation and the smooth administration of the law. A clear understanding of the definition of accessibility is also critical to the standards development committees establishing accessibility standards. Working with Toronto Community Housing Corp., the AAC advocates for a barrier-free environment in the housing portfolio and tenant involvement in decisions affecting their community in co-operation with the tenant participation system. We further strive to make accessibility a priority in all TCHC planning and hope governments and the private sector follow our example, knowing that the population is aging and that their special needs will increase exponentially.

We are also concerned that vague language affects the ability to enforce the act or its intentions. It creates many loopholes for disinterested parties to escape providing the fundamental rights of persons with disabilities. For example, it is left up to the Lieutenant Governor in Council to make regulations defining the terms “accessibility” and “services” for the purposes of this act, if he so chooses (section 40).

#### 1510

Central to the act, these definitions must be defined at the beginning to avoid confusion. It is crucial that persons with disabilities know what services will or will not be covered by the AODA. Another confusing term is “occupancy of accommodation,” which is used in section 1, but later in the bill, only the term “accommodation” is mentioned. Does this refer to housing or to the duty to accommodate special needs? It should not be left up to the administrators or others to define these terms.

In the ODA’s preamble, the government of Ontario states that it “is committed to working with every sector of society ... to move towards a province in which no new barriers are created and existing ones are removed” and where persons of all ages with disabilities can “participate fully in the life of the province.” They also promised “continued leadership in improving opportunities for persons with disabilities.” None of these commitments or intentions are reiterated in the AODA, so one wonders if the government will uphold its previous and present promises or whether this omission is the government’s attempt to weasel out of their responsibilities and duties.

We believe that the government needs to improve its communication of the act to the public. In the ODA, the

Lieutenant Governor in Council could not enact any regulation before a draft of it had been published in the Ontario Gazette and “interested persons” had been given “a reasonable opportunity” to make comments on it to the Accessibility Directorate (section 23).

The AAC felt that this publication was too obscure to the general public, including the disabled. They did not have access or an opportunity to respond to drafts. This clause has been removed from the new AODA, but we contend that the public should still be able to review all proposed regulations, as well as accessibility standards.

The AAC believes that there must be a communications strategy, involving a variety of mediums, to educate the general public about their responsibilities and the AODA’s implications on their daily lives. To guarantee universal access, this act must also be communicated in alternate formats, not simply limiting access to government Web sites. It is imperative that the government realize that not all persons with disabilities can afford to have a computer with Internet capabilities that will accommodate their special needs or pay for the monthly hook-up charges.

The previous ODA specifically alluded to alternate formats in terms of provincial government Internet sites being available in a format that is accessible to those persons with disabilities, as well as government publications being made accessible within a reasonable time to persons with disabilities or their representatives who have requested such, unless it is “not technically feasible to do so” (sections 6 and 7).

The AODA only mentions document formats in section 35, but we agree with its expanded application to include any “notice, order or document” within the jurisdiction of the act being provided to persons with disabilities or those that request alternate formats on their behalf “within a reasonable time” and no other restrictions being placed on availability. We advise that the widely accepted terminology, “alternate formats,” also be added and “reasonable time” be defined in terms of number of working days.

The purpose of the AODA clearly provides for the involvement of persons with disabilities in the development of accessibility standards; however, there are only three formal ways that persons with disabilities can participate in the development and implementation of this bill. First, persons with disabilities can participate as members of a standards development committee (subsection 8(4)). Secondly, the disabled community can also provide input once a proposed accessibility standard has been publicized. Finally, they can participate by being one of a majority of members with disabilities on a municipal accessibility advisory committee (subsection 29(3)). But what is the composition of each standards development committee and municipal accessibility advisory committee in terms of number of members, percentage of disabled persons and range of disabilities represented on that committee? What is the selection process for these committees? The disabled community should also be members of the remaining administrative

hierarchy, such as inspectors or tribunal members, so that their views are represented.

**The Chair:** Thank you, sir; if you can wrap up. I think we already have what you are reading, so it's part of the records. If there are any other comments you want to make, the time is over.

**Mr. Wallace:** I would like to make a comment, but it might not be acceptable.

**The Chair:** Try us, please.

**Mr. Wallace:** The timelines are so widely spread in Bill 118 that it would leave one to think that some of our legislators are hoping that euthanasia comes into vogue before any real action is taken.

**The Chair:** I thank you for your comments. Thank you for coming.

#### CANADIAN FEDERATION OF INDEPENDENT BUSINESS

**The Chair:** The next presentation is the Canadian Federation of Independent Business. Are they present? While the Canadian Federation of Independent Business gets ready, I just want to ask that you moderate your pace so that all the people in attendance will be able to appreciate your presentation, and I thank you for that. There is a total of 15 minutes. If there is time left, there will be questions for you. You can proceed.

**Ms. Judith Andrew:** Good afternoon, Mr. Chair and members of the committee. I'm Judith Andrew, vice-president, Ontario, with the Canadian Federation of Independent Business. We appreciate the opportunity to appear today on Bill 118, the Accessibility for Ontarians with Disabilities Act. You have in your kits the statement I would like to deliver today, as well as some additional supportive material on some aspects of the legislation and related policy.

The proposed Accessibility for Ontarians with Disabilities Act is actually a fine example of how the best of motives gets translated into unworkable policy. On behalf of CFIB's 42,000 Ontario member businesses, we must advise that this legislation is not only unlikely to improve access in small businesses for people with disabilities, but despite everyone's best intentions it may well worsen matters.

Small businesses have no quarrel with the government's stated goal of "acting to transform Ontario into an accessible society for people with disabilities." No one would disagree that the lofty objective that "every Ontarian should have the opportunity to learn, work, play and otherwise participate in society to their fullest potential."

The proposed solution—to achieve accessibility for Ontarians with disabilities within 20 years by developing, implementing and enforcing standards respecting goods, services, facilities, accommodation, buildings, structures, premises and employment, addressing the full range of visible and invisible disabilities, including physical, sensory, hearing, mental health, developmental and learning disabilities—is not only a monumental task, but from

the small business standpoint, we believe it's wrong-headed.

It is clear that the government plans to create a massive new regulatory bureaucracy. Initially, we are told that the budget of the disability directorate will be quadrupled, and this is just to get the accessibility standards development process going. In full swing, that massive bureaucracy will require organizations, including private sector firms and perhaps every one of the 329,000 businesses in Ontario, to file reports confirming their compliance with accessibility standards, plus make those reports publicly available. Enforcement will include spot audits and the use of tough penalties for non-compliance. I might add that you have, in a profile of business in Ontario, three quarters of businesses in this province that have fewer than five employees, so they will be considerably challenged with that kind of regulatory requirement.

There will be an important exception to the compliance rules, so-called incentive agreements—the special deals the government does with certain organizations. Since it's impractical to make individual arrangements with hundreds of thousands of small firms, the special arrangements to be excused from the filing or the reporting requirements will tend to benefit large organizations.

Based on our understanding of how the standards for accessibility will be developed in the first place, we anticipate that big businesses will also have an advantage. As with every committee that is ever struck, large organizations, which have the personnel with time to serve, will enjoy strong representation on the accessibility standards development committees. Unless 98.5% of the representation on those committees actually draws from smaller firms, large organizations will enjoy disproportionate influence on those influential bodies. If those large organization representatives do their jobs on the committees, they will argue for high standards that mesh with what their companies are actually doing. And if the standards are so high and so difficult to comply with as to wipe out their smaller competitors, some people will say that's the price of social progress.

#### 1520

There are some small business considerations here. Working to improve the integration of people with disabilities into life and work in Ontario is important. A few words about why small businesses are positively inclined to address this challenge and how they can be supported in their effort are warranted. Small to medium-sized business owners are community-minded people. Therefore, they are generally positively disposed toward giving a neighbour an opportunity. They know that such positive actions are typically rewarded by strong employee contributions and unflagging commitment to the firm. CFIB has been told by representatives of organizations charged with helping people with disabilities find employment that it's often easier to conclude arrangements directly through the small firm owner-manager than it is to get



various management-level approvals in a larger organization.

With nearly half of small businesses in the province of Ontario facing shortages of qualified labour, small business people cannot afford to be capricious in their hiring decisions. Small and medium-sized firms already draw disproportionately from non-traditional employment groups: youths, seniors, newcomers etc. In order to attract and retain good people, small firms try to make practical arrangements that respond to employees' needs.

One of the impediments to small business growth is the load of government regulation and paperwork, a burden that Premier McGuinty promised to lessen. CFIB has argued for streamlining government regulations to those that are essential, while dealing with certain matters in other ways. Improving access for people with disabilities is one of those areas where we believe that much more will be accomplished with information, education and practical supports—real assistance—for small businesses and their prospective employees and customers with disabilities.

Even if a small business owner thought to check out the Ministry of Citizenship Web site and the related Accessibility Ontario Web site, there really is very little there that is geared to small business. On a recent Web search, even the search engine in the directory for "accessibility" did not produce any programs offering practical advice or financial support for expensive accommodations. So we offer these considerations:

Disability legislation must not compromise the Ontario government's goals for a strong economy, job creation, high-quality services and a balanced budget. It isn't a matter of pride that Ontario is on the way to having the most stringent, difficult disability legislation on the planet. Worsening the regulatory overload will harm the small business sector and its capacity to provide jobs, economic growth and the usual gusher of taxes to the Ontario treasury.

There is a need for a range of approaches to prevent and remove barriers, including public education, technical assistance, partnerships and incentives. Legislation is the least promising and the most damaging choice for the small business sector. Why is the government seemingly determined to spend many millions of dollars on enlarging the bureaucracy rather than channelling those funds to practical assistance and incentives such as tax support to help people deal with barriers and accommodations?

If anything can be worse than government regulation, it's industry self-regulation. The government must not cede the powers to set standards to a handful of larger business organizations who may not be concerned with the welfare of their smaller counterparts. We are concerned that heavy-handed regulation will discourage the sector that is best positioned to improve the circumstances for people with disabilities.

We offer three recommendations:

CFIB recommends that the Ontario government adopt a different strategy for small business, sparing them the

compliance burden—and simultaneously, the government the enormous enforcement burden—proposed in the legislation.

The government is advised to build on small firms' natural inclination to improve access for people with disabilities. We recommend improved information, practical support and incentives geared specifically to smaller firms. For the small business sector, the approaches need to be understandable, practical and easily actionable.

Finally, CFIB suggests that the government and its agencies lead by example, with standards and achievements on accessibility being set and met, including in what we understand is a very key area, public transportation.

**The Chair:** Thank you for your presentation. We have a minute each, and we'll start with Ms. Martel.

**Ms. Martel:** Thank you for being here today. I'm going to focus in on your point that "legislation is the least promising and the most damaging choice for the small-business sector." I guess my reality is I that just don't see a lot of change in a lot of businesses in terms of being accessible, both in terms of hiring people with disabilities or making businesses accessible, be it a lower counter, a door that people can get through or a ramp so they're not right up against a curb. If you don't have legislation that's going to force that change, how long will it take and how do we ensure that people will comply so that disabled people can be not only customers but employees in small businesses in Ontario?

**Ms. Andrew:** You say you don't see change. Actually, we asked for the experience with the former piece of legislation—what the results were with that—and that didn't even cover the private sector. We could not get a substantive answer from the ministry. It seemed that they have very limited experience with one year under the former legislation. So we actually don't know the impact of legislation on the public sector, much less what it will do in the private sector.

I guess our argument is that it's unlikely to help the situation if what you're doing is foisting a massive regulatory bureaucracy on organizations that have fewer people than the numbers sitting on your side of the table. They don't have personnel departments; they don't even have personnel specialists. They have a really practical need to continue running the business. The notion of sending reports in and facing inspectors and fines is just contrary to the kind of thing they'd like to do if they were actually supported in this by the government, rather than regulated.

**The Chair:** Mr Ramal.

**Mr. Ramal:** Thank you for your presentation. I was listening carefully to it. It's well-detailed and well-explained statistically. You have a concern about Bill 118. You think its going quickly will affect the business community. We listened to many presenters in the morning. They were talking about the bill not going fast enough, in order to implement it, because the disabled community needs it as soon as possible. Don't you see implementing the bill over 20 years as taking into consideration the

business community's phasing in the cost over the years and also the business community having all its places accessible as an investment that would increase business?

**Ms. Andrew:** Well, first of all, in respect of the people who say this isn't going fast enough, I can certainly imagine that there are huge frustrations there and they want to see things happen immediately, if not sooner. Our point is not that what you are proposing as a phase-in time is too short or too long; we really think a regulatory solution is not the answer. There are so many regulations in this province that it's impossible for a given small business to even know the regulations that apply to that business, much less be in compliance with them. It's pretty much impossible for the government to enforce those regulations.

What we need is a streamlining of the regulations and much more compliance assistance from government, rather than a whole new bureaucracy. Government is putting all its eggs in the "Let's hire a ton more public servants and charge around the province and lay fines and so forth" basket, rather than saying, "Do you know what? The small business sector creates the jobs in this economy. They provide opportunities and tax revenue for Ontarians and the province. What can actually help them do better in this area? They have a shortage of qualified labour. How about something like a matching service, a recruiting mechanism, to help small businesses find people who are looking for opportunities?"

1530

**The Chair:** Mr Jackson.

**Mr. Jackson:** Judith, I was intrigued by your statement on page 1. You've been told that the budget for the disability directorate would be quadrupled. We've been trying to get costing for this bill and for the directorate. I'd be intrigued to know how you know that, when we've been told we can't get access to it.

**Ms. Andrew:** The day the legislation was announced, I came here and asked a senior public servant in the area how much it would be, and that's what I was told.

**Mr. Jackson:** They must really like you, because they won't tell us. Anyway, I'll leave that for a moment.

**Ms. Andrew:** Maybe it was a mistake to have told you.

**Mr. Jackson:** I mean all of us, because it was a request for all members of the committee to have that information. Apparently, we're not to get it.

The second, brief question: I'm intrigued by your suggestion that exemptions would favour large corporations. We know there is a section here that says the government is going to be able to take whole sectors and say, "You do not have to be covered by this legislation." You've indicated in your brief that you think that will favour larger companies, when in fact historically in Ontario, whether it's workers' comp or pay equity, it always deals with, "Exempted are companies of five employees and less." I am intrigued by that. I'm not debating it with you, but how do you come to that conclusion?

**Ms. Andrew:** Some of the documentation we have seen suggests—in fact, there was a Q&A we saw that asked, "Will mom-and-pop organizations be exempted?" The response was, "No, they need to participate in this like everyone else." So it's our understanding that there won't be any broad-based exemptions, and in fact that this incentive agreement idea is more to reward certain organizations for whatever they may be doing in the area, and it's impractical to do that with thousands, or hundreds of thousands, of firms.

**The Chair:** Thank you very much for your presentation and for answering the questions.

## TORONTO DISTRICT SCHOOL BOARD

**The Chair:** The next presentation will be from the Toronto District School Board. As you take your seats, I would remind you that there is a total of 15 minutes for your presentation and potential questions. I'd ask that you moderate your pace while you speak so that all of us are able to appreciate the entire presentation. You may start any time you're ready.

**Mr. Bruce Davis:** Thank you very much, Mr. Chair and members of the committee. My name is Bruce Davis. I am a trustee with the Toronto District School Board. I'm also a member of the special education advisory committee at the board and chair of the school board's facilities and operations committee. I'm pleased to be here.

I'm joined by Mr. Dave Rowan, who is the executive superintendent of special needs and support services for the board and co-chair of our accessibility committee. I'm going to turn things over to Mr. Rowan to start off.

**Mr. Dave Rowan:** Members of the committee, as Trustee Davis and I make our presentation today, I think it is very important to have a bit of background information on the Toronto District School Board and the parameters we presently deal with on a daily basis.

At present, we serve over 280,000 students. We have 30,000 permanent staff, which includes 17,000 teachers and another 13,000 non-teaching support staff members of our outstanding community. We support approximately 35,000 students in the Toronto District School Board who learn in different ways and are under the umbrella of special education—that's 35,000 students. To support those students, we have roughly 2,200 dedicated professional teachers, many of whom start their careers in their first or second year without special education qualifications, and a further 19,000 educational assistants, CYWs and other support staff who are assigned to schools to support our students.

On top of that, in the area I have responsibility for we have 300 professional support staff. That includes, under the umbrella, occupational and physical therapists, speech and language pathologists, social workers and psychological services psychologists to help our students. Even with that amount of staff, we continue to have and struggle with maintaining our assessments at the current



level, and have a huge backlog which hurts us in supporting our students.

We have worked closely over the years with our parents and agencies that represent members on our special education advisory committee and have developed a special-ed plan that supports our students through a wide variety of programs and services, from a range of what we call intensive support programs, which would be small-class placement, right to a total inclusion focus in regular classes, often with additional support to those classes to help those students.

We have, since ODA first was established in September 2003, struck an accessibility committee with representation from every department in our board, SEAC members and members of the community. We had that plan developed and updated this fall and it is ready to be shared with our trustees and board within the next two to three weeks.

Although the bill will deal with all the things that we have to deal with in our umbrella—the goods, the services, the facilities, employment and accommodation—which will impact on our 35,000 students, and that's part of our daily goal, Trustee Davis will present a more focused area, and that is regarding the aspect of the Toronto District School Board's buildings and accessibility.

**Mr. Davis:** Just to give you the scope, we're talking about 557 schools. We've got 600 buildings. We probably will be the organization with the single biggest implementation challenge when we look at this legislation. Of the 557 schools in operation right now, we believe 159 currently are accessible. The previous government-approved funding of I believe it was \$4 million for a special one-time program to bring some of our buildings up to speed. We're spending \$700,000 this year and for the next three years to modify our buildings. We've estimated that to bring all of our buildings up to the requirements will cost about \$250 million, just to bring our buildings up to what we believe they require to be accessible. At that rate of spending, \$700,000 a year, to get the \$250 million that we need will take, I approximate, 357 years and a couple of months, for us to bring our schools up to standard.

This is a major implementation challenge for us. These challenges are on top of chronic building systems failures that we already face. Even with the funding that this current government has approved—a special \$200-plus-million fund for capital improvements—even after that money is spent after four years, we will still have a backlog of \$1 billion in major capital improvements required. That's not even including the accessibility portion. Major building systems failures: We're talking about boilers; we're talking about leaky roofs. You may have seen something on TV last night. One of our schools was profiled. The roof leaks, there's mould in the classroom, and this is where all of our children are learning, whether they're special-needs children or not. So in addition to the \$1 billion that we anticipate, we

expect another \$250 million to bring our buildings up to a standard that we would feel comfortable with.

In closing, quite apart from work that we're doing with children in the classroom and the backlog of assessments, it is not adequate, it is not enough to pass legislation and to pass paper. It's not adequate. It's not good enough. We need the resources to go with it. And we're very supportive of this legislation; let's not be wrong about that. The board would like to participate on the sectoral committee with respect to the education sector because we believe we can be helpful in terms of how to do this, but we absolutely need you to speak to your colleagues. We need the resources. We want to do this before 357 years. We absolutely want to get started right away and we need your help to do that.

We'd be happy to take any questions.

**The Chair:** There are two minutes each, and we'll start with Mr. Jackson.

**Mr. Jackson:** Bruce, thank you for being here. Dave, yesterday I downloaded your last public report, because when I was coming up with the concept of filing these reports, your presentation perfectly fitted the reason for it, and that was that we have identified a sector, they are reporting on the accessibility inventory of needs that need to be met, and Trustee Davis has already quantified approximately what that would be. Give or take the government's ability to audit and to make sure there's a common standard, we can actually now point out that for us to make that sector accessible, that's what it will cost, reasonably. So that was the genesis of it.

1540

You are about to finish your second-year plan, correct? So my question to you is simply this: Do you feel that it has been a worthwhile exercise to get your entire system focused on an audit of your programs to determine what needs to become accessible in order to prepare for an environment in which legislation, we hope, will guarantee that you'll be required to do that? We'll deal with funding in a moment, but at least you'll have legislation that says, "This is what you must do," a standard, and you can then say, "Well, this is what it'll cost us to do it." You really need to know both elements of that in order to get to the third element, which is, "It will take us 10 years," it will take us 20 years, it will take us 350 years to do it.

And for the record, congratulations. You're the chairman of this committee and maybe Trustee Davis might explain to me why no trustee is on the committee. Or maybe it has changed.

**Mr. Davis:** On the accessibility committee?

**Mr. Jackson:** Yes, on the one that's doing the audit.

**Mr. Davis:** The two staff chair the committee, but I'm not sure—I sit on so many committees.

**Mr. Jackson:** No, you're not on the list.

**Mr. Davis:** The short answer. Do you want to speak to the worthwhile—the whole issue of the audit?

**Mr. Rowan:** There's no doubt that it was a worthwhile process to go through. Without giving names, we have for the very first time a clear understanding in our

committee from business, from purchasing, from all sectors of our board that, in fact, to be very honest with you, probably hadn't made the consideration or have in the past looked at the consideration for employees with severe disabilities and how to support them, the purchasing aspect. It was a wonderful process to put through, have the discussion and bring to fruition many of the issues in those areas. So yes, quite worthwhile. A long process but very much worthwhile, I think, in our system for understanding the broader parameters of students, staff and parents who have disabilities.

**The Chair:** Thank you. Ms. Martel?

**Ms. Martel:** Part of the concern that I raised before with the OHA—or they raised with us and I'll raise with you—is that the OHA as well did a significant amount of work through their toolkit process because they were obligated to do so as a result of the current legislation, and that information is sitting and waiting in terms of what would need to be done. Now we have a new process that we're going to embark upon. What would your concern be, or how do you see, maybe, more importantly, the work that you're doing now fitting into where the government wants to go so that you don't have to repeat this process and we don't lose the work and the expertise that's already been gathered over the last two years?

**Mr. Davis:** We're going to build on the work that we've done. We want to participate in a sectoral approach to solving this for school boards around the province. We have some common themes. We're not going to undo the work that's been done; we're going to build on the work that our staff has done and that has been done by other school boards. The short answer is, we can build on that. Not every school board will be able to solve this exactly the same way, but there are things we can learn from other organizations and from the work that's been done in the past.

**Mr. Rowan:** If I could just add to it—and I agree with Trustee Davis. But also, given the size of our board, when I read through the bill and looked at the parameters to be a municipality, with 10,000 employees or whatever, I mean, we could almost look like our own municipality and develop our own plan. It is important, I think, to reiterate that we need to play a role, hopefully, in the sector for education, because no two boards are alike. I won't put Toronto as any different other than that we have unique—different, unique—obstacles because of the size application. It's not because of how we serve children. We're all serving children the best we can through the accommodations and modifications in every school board. But there are some newer boards that are growing and don't have as many problems.

**Ms. Wynne:** Thank you, gentlemen. Nice to see you. I am painfully aware of the issues that you are confronting, having sat with you at the table. I guess my question to you is—because I know you believe in having a vision; I know you believe that we need to know where we're going. Given that this legislation would build on the plans that have been put in place in previous years—there's no intention and there's no provision for those

plans, that work, to be thrown out until new regulations are put in place when the standards are set. I would expect it goes without saying that you would have input into those sectoral committees. Certainly, as a Toronto member, I will be advocating for that. I would argue that the Toronto District School Board is unique in terms of its size and also in terms of the fact that you have more retrofitting to do than new building. New building is a very different case.

I guess my question to you is, as in all sorts of areas in education, is it not better to have something to work toward? Is it not better to have a regulatory framework in place that makes it clear where we should be going and what the standards are so that we can work toward that? I understand the funding issues, but is it not better to have that clarity in place?

**Mr. Davis:** It is, and it sets an obligation for us and it sets an obligation for you, really. So if it's not there, look around. We know where the money is coming from.

**Ms. Wynne:** Yes, but without those standards in place, Bruce, where they haven't been in place before, as with smoking legislation, for example—

**Mr. Davis:** Things slide. If we don't put our stake in the ground—we're very supportive of this idea of putting your stake in the ground and let's focus resources. To put your stake in the ground without backing it up leaves us all missing the standard.

**Ms. Wynne:** So we work together on that piece.

**Mr. Rowan:** If I can just add very quickly, there is a difference between—and I totally agree, the five years is necessary—what we do in education and what the parents need tomorrow, and that's always been our focus. We can have the plan, we can have the vision, and it is necessary to have the standards in place and to continue to strive toward that. But from our standpoint, there's always a difference in what school we choose and where it is and what the parents need on a daily basis and that's our biggest obstacle, to be honest with you, what we can do. But if it's articulated and it's planned—

**The Chair:** Thank you very much for coming and answering the questions.

## ONTARIANS WITH DISABILITIES ACT COMMITTEE

**The Chair:** The next presentation will be from the Ontarians with Disabilities Act Committee. Again, you have 15 minutes total. We already have your material, thank you. You can start any time you're ready.

**Mr. David Lepofsky:** We've provided fresh copies for the members of the committee, if the clerk could make sure you have them available.

Good afternoon. My name is David Lepofsky. I'm chair of the Ontarians with Disabilities Act Committee. To my extreme right, physically but not politically, is Lorin MacDonald, a law student and an active member of the ODA committee from London. To my immediate right is Catherine Bremner, mother of a child with a disability and active regional contact for the Ontarians



with Disabilities Act Committee in Durham region. To my left is Patricia Bregman, active Ontarians with Disabilities Act Committee member and one of the country's top legal and policy thinkers on disability issues.

The Ontarians with Disabilities Act Committee is a voluntary, non-partisan coalition of individuals, both people with disabilities and people without, and many community organizations across Ontario which organized over 10 years ago for the sole purpose of winning the enactment of the legislation that you now have before you. We have been involved in and indeed spearheaded this campaign for over a decade and are delighted to have reached the point that we have, of having this bill now before your committee for consideration.

The ODA committee wants to commend the government, Premier McGuinty and Minister Bountrogianni for bringing forward Bill 118 after holding effective, open consultations, after bringing to the table all the major stakeholders: people with disabilities, people from the business community, from the municipalities, hospitals, those you've heard from and will hear from before this committee. For the first time ever they were brought to the table to discuss how such legislation should look. The significant progress in this bill is due to that consultative process. We want to commend all three parties for having voted in favour of this bill on second reading. We hope you will do the same on third reading.

We also want to commend all three parties for their unanimous recognition now that the existing Ontarians with Disabilities Act, 2001, must be strengthened.

Finally, we thank you for holding these hearings, for holding them across Ontario, and for making them open, accessible, and from our understanding, for the first time ever, televised gavel to gavel even when hearings are held outside of Toronto.

**1550**

Let me take our time to cover the key points in our amendments package. Our amendments package, which you have before you, reflects not only months of our preparation now, but over a decade of consultations at the grassroots around the province, in an effort not to ask what would be best for people with disabilities but what would be best for us, large and small business, the broader public sector and the government.

We are pleased to see that our amendments, or the core themes in them, have been echoed, reflected and endorsed by many an organization that has already come before you, not only from the disability perspective but from other perspectives as well.

We are also delighted to be able to table with you an amendments package that we believe is reasonably tailored, where possible, to reflect specific amendments that two of your parties, the Liberals and the New Democrats, tabled three years ago when the previous bill, Bill 125, was before the Legislature. You'll see that fully 12 of our proposed amendments reflect those earlier matters, which both the Liberals and the NDP were not only prepared to vote for in 2001, but which in the 2003

election were promised to us as being the minimum of what new legislation would reflect.

Let me try to focus on what we believe to be core priorities, which are reflected not only in our brief but in the message you've heard from so many others. I do not put them in order of priority among themselves. In offering them I speak in general terms, because in each case we offer you specific suggestions but are attempting to be as flexible as we can as to how they are achieved.

First, it is widely recognized that while the bill sets an end date for when accessibility is to be fully achieved, and sets one specific timeline, the interim framework for standards development committees, it does not set time frames for other major steps the government must take when implementing this bill. We propose that to the time frames that are in the bill should be added more time frames to cover each major implementation step. We are flexible as to what they will be because we don't want to come up with things that are unrealistic and that will fail.

We also note that while some other presenters have focused on reducing the one interim time frame in the bill, five years, to three years, given the actual framework of the provision that that is found in, reducing it from five years to three years doesn't actually accomplish anything in terms of the rate of barrier removal. In fact, it may slow things.

Our second proposal or theme in our amendments: We propose that each major phase of this bill's implementation be undertaken in an open, accessible and accountable way. There are several ways to do that. One is to make sure that the standards development committees actually meet in the open so that we can see what they're doing, large and small business can see what they're doing, media can see what they're doing, everybody can see what they're doing. There should be no secrets here. There is nothing to be secretive about. Openness promotes accountability and confidence. Those who have come before you expressing worries about what this bill will achieve will have those worries reduced, we believe, when they see how it operates in practice. Openness only makes for better, more effective decisions, and confidence. Openness also means that the standards development committees and the other major bodies that will have a role in this should have a mandate, indeed a duty, where appropriate, to consult with stakeholders, including people with disabilities. We've learned through this process of developing this bill that both openness and consultativeness work.

The third priority or theme in our amendments is that the process of developing standards should be more arm's-length from the government. That's not to say that it should be totally independent of government, and that's not to say that government shouldn't have an important place at the table. However, it would be more appropriate that the process of developing recommendations to government be done outside government, with government taking part. Of course, what government then does with those proposals is something which would take place in government and for which government would take the

credit or the heat. In our brief, we propose one way of doing that, but, frankly, we are open to any number of other approaches.

Fourth, as you've all identified through your questions, the core of this bill has been the development of standards. Until standards are developed, this bill doesn't require anyone to actually do anything. That is leading some to have concerns about the 20-year end date. If people saw more progress sooner, the 20-year end date would be less of a concern. Moreover, standards cannot solve every kind of barrier. Therefore, we propose that the bill be enhanced to provide measures which can be implemented even before standards are set—because that could take years—and which will particularly help address both preparing people for the standards process once they're enacted and address barriers which the standards may not be able to cover. Again, our brief has specific proposals.

Fifth, our second-last area of priority builds on something that many have said for years about this kind of legislation, but none have actually covered the way we'd like to see it covered in the future. It is said over and over again that we need to educate the public on disability and accessibility. That's true. Leaflets, lectures, TV ads and so on have been tried in the past, both by the public and the non-profit charitable sector. They're helpful, but they're transitory. We propose something new. We propose that the bill implement a permanent, long-term, mandatory education program targeting two communities that can make a difference.

The first: kids. Let's have kids grow up learning about this in school, not for months or weeks, but maybe for even just a day or two. Let's have a mandatory curriculum. It could be set locally, or the province could offer an option. It would help the next generation of kids know more about this than any of us ever did before they become employers, store owners and so on.

The second target group: professionals who could make a difference. We propose that in future, those who are going to get a licence to practise in a profession that can make a difference in terms of accessibility should have as part of their training learning about accessibility. The prime example—we propose others—is architects. Put simply, in the future, no one should be able to get an architect's licence or other permit to design the built environment if they haven't at least learned how to design a barrier-free built environment. That will require some changes. The best people to design that curriculum are the professional bodies themselves. That's what we propose.

Finally, our last area of recommendation: Because we're embarking on a 20-year enterprise, we need an independent process to monitor how we're doing—not a large bureaucracy; it may not even have to start for several years—something that could be the conscience of the province, to commend those who are doing well, to egg on those who could do more, and to give us all suggestions of what could be done. There are many ways to do that. Generally, that's our proposal.

Let me conclude in one paragraph, if I may, by saying that this is now a good bill. With our amendments, it can be transformed into a legacy bill. It can be a legacy for those who brought in the bill, for all who voted for it, for all of us who've campaigned so long for it, and for the many people who fought for this bill but, sadly, did not live long enough to see it passed into law.

We thank you for this opportunity to present and would be pleased to do whatever we can to help this committee with its deliberations.

**The Chair:** Thank you very much, Mr. Lepofsky. You have used all of the 15 minutes, but you certainly made your points very clear. We thank you for coming with your friends.

The next presenter will be the Barrier Free Consumer Advisory Committee. While they are being seated, Mr. Jackson, you had a question?

1600

**Mr. Jackson:** Yes. With respect to the information, I would like to—

**The Chair:** Can I ask people, if you wish to speak, to go outside of the room, please, so we can continue our meeting. Thanks very much, again, for coming.

Mr. Jackson.

**Mr. Jackson:** Mr. Chairman, as the next group is preparing, I would like to move:

That the standing committee on social policy invite Mr. David Lepofsky, chair of the Ontarians with Disabilities Act Committee, to be given sufficient time to provide a detailed technical briefing to the social policy committee when the Ontario Legislature reconvenes; and further

That during clause-by-clause consideration of Bill 118, the social policy committee grant Mr. Lepofsky and the Ontarians with Disabilities Act Committee standing before the social policy committee for purposes of providing comment and to assist the social policy committee through the amendment process and final votes; and further

That sufficient time be taken by the social policy committee during clause-by-clause consideration to ensure that all matters presented during public hearings to strengthen Bill 118 are fully considered.

I have a copy of that which I will give to you, Mr. Chairman, and to the clerk.

**The Chair:** And your intention is to debate the motion or to receive it and—

**Mr. Jackson:** My suggestion would be not to debate it at the moment, because we have other deputants, but make it the first item of business when the Legislature reconvenes and we're called forward. We can debate it at that time.

**The Chair:** At the committee level?

**Mr. Jackson:** Yes. It's a motion for the committee.

**The Chair:** That's the motion. Everybody gets a copy. So it's deferred. Is there any discussion on deferral of the motion? Anyone in favour of the motion to defer? We're deferring the discussion for later on. That is the motion.



**Mr. Jackson:** To the first item of business when we reconvene, when the House is in session.

**The Chair:** OK. The only question I have is whether anybody has any comments on the deferral motion; otherwise we'll take a vote on the deferral motion. Any-one in favour of the deferral motion?

*Interjection.*

**Mr. Jackson:** No, to defer—

**The Chair:** Yes.

**Mr. Jackson:** Oh, to a time. Not to defer; to defer to that time.

**The Chair:** To defer it to the first committee meeting.

**Mr. Jackson:** Thank you.

**The Chair:** That's what you said.

**Mr. Jackson:** Yes.

**The Chair:** Everyone in favour? It carries. Thank you.

#### BARRIER FREE CONSUMER ADVISORY COMMITTEE

**The Chair:** The next presenters are ready? You have 15 minutes total, and of course we need to borrow three extra minutes from there. Please proceed when you're ready.

**Ms. Heather Green:** Before the time starts, I just want to make two points. I was late for my previous presentation because of Wheel-Trans, and the gentleman beside me, I forgot which side his hearing aid was in, so he wasn't aware that I was sitting beside him to continue part of the presentation. So those are barriers that we have to face all the time.

**The Chair:** Thank you for letting us know. Go ahead, please.

**Ms. Green:** Representing the Barrier Free Committee, on my right I have the executive director, Anne Johnston, of Anne Johnston Health Station; I have Gita Lakhanpal, an OT there; and members of the Barrier Free Committee: Marie Recker, Jenny Clement, Bill Van Steenderen and myself, Heather Green.

The Barrier Free Consumer Advisory Committee, BFCAC, is a group of persons with disabilities and clients at the Anne Johnston Health Station who work in an advisory capacity to this community health centre. They differ from hospitals to provide primary health care with a team of health care professionals, but at the same time concentrate on health promotion and education with a focus on prevention by offering a variety of programs and workshops that relate to local community needs.

All CHCs are community-based and client-centered, and have advisory committees comprised of clients, community volunteers and representation on the board of directors, with staff support. One of 22 CHCs in the GTA and over 55 in Ontario, the Anne Johnston Health Station is unique in that it not only provides services to clients within a geographic catchment area but also serves a particular population. Their target profiles of clients are youth aged 13 to 24 and seniors aged 55-plus, including the frail homebound, within the north Toronto area. Those with disabilities from across Toronto can access

AJHS services if they have a disorder or syndrome that is neurological, neuromuscular or the result of a spinal cord injury.

Unlike many other health centres or hospitals, AJHS has attendant care, health care providers specialized in dealing with the disabled community, accessible clinic rooms, and examining tables and weight scales that can accommodate mobility devices so that physically disabled clients can access health care in a barrier-free environment. Other services provided at the centre include nutrition advice, health care promotion and prevention groups, advocacy, counselling, and various workshops teaching self-advocacy. This is vital to one's sense of well-being, as the client can focus purely on health care issues rather than being frustrated in dealing with physical, technological and attitudinal barriers.

As one of three advisory committees representing the target populations, the BFCAC appreciates this opportunity to express its concerns related to the Accessibility for Ontarians with Disabilities Act, AODA. The BFCAC is particularly concerned that the AODA is the best legislation possible to guarantee the fundamental rights of those with disabilities and seniors becoming disabled. Our principal concerns deal with how the law is written, the limited involvement of persons with disabilities in the development, monitoring and review of accessibility standards, the lack of specifics regarding timelines, and how this law will be implemented and enforced.

As persons with disabilities, we could not believe that the definition of "disability" was not redefined despite objections to its exclusionary definition in the last deputations of the ODA. It follows a medical impairment model of attempting to list all the different types of physical, sensory and mental disabilities. However, with scientific discoveries and medical advancements, new diseases and syndromes are being identified continuously. Left out of the definition were invisible disabilities such as chronic pain, chronic fatigue syndrome and environmental disabilities, as well as many other disabilities that are periodic, cyclical, episodic, intermittent and progressive in character.

As a group, we advocate that this definition of "disability" follow a social perspective which does not label individuals but rather views disability as a socio-cultural problem, with society having deficits in accommodating the disabled rather than the individual being the root of the problem. A 2001 government of Canada sponsored survey, Participation and Activity Limitation Survey, or PALS, defined disability as an activity limitation or participation restriction associated with a physical or mental condition or a health problem. If the AODA definition of "barrier" were added to this definition so that physical, architectural, information or communications, attitudinal and technological barriers, as well as those originating from policies, practices or socio-economic status, were removed from all aspects of society, then the definition would include many more groups.

We would also like the term “barrier-free” added to the definition of disability. Then the purpose stating “to benefit all Ontarians” in terms of accessibility would be more meaningful, as no one would be left out of participating in society, both in the public and private sectors.

The BFCAC does not want the definitions of “accessibility” and “services” for the purposes of this act left up to the Lieutenant Governor in Council to clarify. These must be defined in the beginning of this act, as they are central concepts, and the standards development committees cannot proceed with establishing accessibility standards without first knowing what these terms mean. The disabled community, as well as those who provide goods, services and facilities, also need to know what their rights and responsibilities are within this legislation, and cannot do so without knowing what “accessibility” and “services” mean.

The AJHS and BFCAC advocate the World Health Organization’s definition of health. Health is not merely the absence of disease.

The social determinants of health include access to housing, employment, income and recreational activities, to name a few. Employment and higher education are areas where people with disabilities face many barriers, specifically attitudinal and systemic. The AJHS hires people with disabilities in meaningful positions. In other work environments, people with disabilities, if they are hired at all, are often given mundane tasks. Many organizations and institutions of higher learning discriminate against people with disabilities when they do not permit flexible hours or provide attendant care, transportation and physical accommodations, or do not hire people with disabilities who have the necessary training and education. These policies reflect attitudinal barriers.

People with disabilities are also prevented from working due to the policies that reduce their income supports. Invisible barriers, such as attitudinal, plus obvious physical barriers need to be addressed in education and awareness programs to the general public and to all goods and service providers within the economy. The AODA has the potential to address these barriers that affect the social determinants of health, and to promote equitable and meaningful participation of people with disabilities within the community.

**1610**

Our committee is concerned that there are limited opportunities for the disabled community to actively participate in the implementation, monitoring, evaluation and review of this bill. As the AODA now stands, people with disabilities can participate in only three different ways, by providing comments and suggestions after a proposed accessibility standard has been made public or becoming members of a standards development or municipal accessibility advisory committee.

We are worried that the accessibility standards are being publicized on the government Internet Web site, when many people with disabilities do not have regular access to or own a computer with Internet capabilities

that meet their special needs, or cannot pay for hookup charges. The BFCAC recommends that all accessibility standards be posted in major provincial newspapers, free weeklies and disability publications such as Ability magazine; on local, ethnic and Ontario legislative television channels; and in memos sent to all disability organizations so that their members can be notified about legislation that affects them directly. Hard copies, alternate formats and other languages must also be available at the Accessibility Directorate for any documents pertaining to this act.

Our group feels that the composition and selection process for these committees and for other parties responsible for this bill needs further clarification. What is the total number of members, percentage of disabled persons and range of disabilities represented on these committees? These committees should reflect the size and diversity of their community. The BFCAC advocates that the majority of these committees be made of disabled persons representing a cross-section of disabilities, ages, ethnic cultures and socio-economic status. People with disabilities are the real experts in terms of accessibility, identification and prevention of barriers. We overcome barriers in our activities of daily living.

We would also like the selection process to be transparent and not confined to high-profile members of society. Everyone with a vested interest, requisite skill set and appropriate experience should be able to apply for these positions. The disabled population must also be represented across the AODA administrative structure, such as inspectors, tribunals and the Accessibility Directorate.

To encourage the participation of the disabled, who are often under-represented and disadvantaged, our committee recommends that expenses be reimbursed and honorariums that do not jeopardize their ODSP or pension plans be considered for those who participate on these committees or who offer their expertise in any consultations.

The BFCAC rejects the long-term time frame of making Ontario fully accessible by January 1, 2025, in favour of 2015. We feel that too much time has already been wasted trying to get accessibility legislation in place, and that many disabled persons will not be around to see the benefits of this law. There are no short-term timelines in this act except annual reports once accessibility standards are established.

We need both the public and private sectors to get to work now making their buildings, premises and surrounding environments accessible. Further, we need access to goods, services and facilities as the general public now enjoys. The disabled should not have to go farther to get to a ramp or to the back of a building to get inside so we can participate fully in every aspect of society.

In the previous ODA, the provincial and municipal governments, public transportation organizations, hospitals, school boards, colleges and universities were required to prepare and publicly submit annual accessibility



plans developed in consultation with people with disabilities. In this new legislation, only persons or organizations in the public or private sector that are included in established accessibility standards—through regulation which may never happen or will be enacted years from now—have the obligation to submit such reports.

The BFCAC advocates that all parties currently obligated to submit accessibility plans continue to do so until such time that the substituted accessibility reports become law. The private sector should also start accessibility plans/reports and should be notified that this is now required. Otherwise, when the ODA is repealed, accessibility will be put on hold until the AODA infrastructure is fully in place, which may take some time. Accessibility reports should, at the bare minimum, contain measures, policies and procedures to identify, remove and prevent future barriers to accessibility, with annual timelines and projected long-term timelines, keeping in mind some barriers take longer and cost more to remove.

Our group is most concerned that there is no formal review process in this new bill, unlike the old. There also needs to be an independent review process within five years of its enactment and continuous review shortly thereafter. The public must be part and privy to this process. We, the disabled community, can best determine if the law is working to improve accessibility and if barriers are indeed being identified, removed and prevented.

In terms of enforcement, the BFCAC is concerned that under the ODA legislation there were no regulations enacted or offences proclaimed. We do not want to see this repeated with this bill, as much of it depends on the enactment of regulations. Accessibility standards must be established and enforced within a short period of time thereafter. The AODA has very few details as to how the penalties will be applied, who will enforce them and how these enforcers are selected. Such details must be in the bill itself to avoid needless litigation later.

In conclusion, we the disabled want to be part of the mainstream and must have input into this law now and on an ongoing basis to do so. We need to be part of the deputation and ongoing consultation process. Thank you.

**The Chair:** Thank you very much for your presentation. You have used all the time for the presentation. Thank you again for coming earlier. We'll move on to the next presentation. We do have your material already.

#### ONTARIO NETWORK OF INDEPENDENT LIVING CENTRES

**The Chair:** Next is the Ontario Network of Independent Living Centres. Is Sandra Carpenter here? We have two people who will be able to assist.

Ms. Carpenter, as you get ready, just a little reminder that there is a total of 15 minutes. If you could make sure that everybody present will be able to appreciate your presentation, it would be appreciated very much.

**Ms. Sandra Carpenter:** Mike Murphy should have been added to the agenda.

**The Chair:** Any time you are ready, you can proceed.

**Mr. Mike Murphy:** I'd like to introduce myself. I'm Mike Murphy, the chair of the Ontario Network of Independent Living Centres. With me today, as we know, is Sandra Carpenter, policy analyst with the Ontario Network of Independent Living Centres.

**The Chair:** Can you bring your microphone closer, sir, so that they will be able to hear you at home, while watching TV?

**Mr. Murphy:** OK. Is that better?

**The Chair:** Yes.

**Mr. Murphy:** First of all, I'd like to congratulate you all for unanimously voting for Bill 118 and getting us this far along in the legislative process. It's truly been an informative process and a collective process that's been a long time coming. We will not complain about the time frame. We know things take time; we just need to be careful in ensuring that action is done at all stages. Although many of us will not be here in 2025, to us the value of this initiative is the legacy that this will leave for future people with disabilities. They will be beneficiaries of the foundations that we are laying today.

ONILC, the Ontario Network of Independent Living Centres, is comprised of 11 centres across Ontario, from Thunder Bay in the north across to Ottawa and as far south as Niagara. The Ontario Network of Independent Living Centres facilitates the sharing of information, experience, expertise and resources between these centres. For example, the Ontario Network partners with the Toronto centre, which is contracted by the Ministry of Health to operate the direct funding program. Direct funding enables people with disabilities who need assistance with activities of daily living to hire and manage their own attendants.

We're also responsible for the accessibility audit program, which trains staff in all of the centres to perform accessibility audits of buildings. This program may be uniquely situated to help with the implementation of the AODA once it is proclaimed. I'll let Sandra speak a little more in detail.

**Ms. Carpenter:** As the bill is currently written, it's highly permissive. In fact, subsection 6(1) states, "The Lieutenant Governor in Council may make regulations establishing accessibility standards." Then it follows, saying what the standards should be. But there is nothing that says they "shall" enact an accessibility standard once it's in place. We ask that the committee question this fact. It does not appear that we've achieved the right balance of obligations and options.

1620

We would also like to point out that barriers are being erected by this very government faster than we can put legislation in place to prevent them. A concrete example of this is the recent cancellation of Ontario's workplace accessibility tax credit, and you have to wonder why. It couldn't have been a cost-saving move because nobody made a claim in 2003. Nevertheless, it seems to our community—and it would be to employers too if they knew about it—that it's very contradictory to cancel this

benefit on the eve of passing into law a highly progressive disability accessibility bill.

Another example is the Ministry of Health's reorganization. They're calling it a transformation of health care services, which is largely a medical model type of service. I won't go into a lot of detail about that, but basically, anything conceived of as a medical model, as the previous deputant outlined, actually creates more barriers for us, not fewer.

Priority needs to occur now—not when this bill is passed, but now—so that nothing proposed or enacted by the Ontario government erects further barriers to people with disabilities and threatens the pursuit of our equal participation in society.

We remain puzzled on two additional fronts: Does this bill effectively sunset in 2025? And how is a complaint, individual or otherwise, lodged or filed? There is an appeal process and a tribunal set up for people who want to argue against an order filed against them for accessibility, but there is nothing on the other side that enables people to complain about a lack of access.

The current ODA has addressed how other pieces of legislation have to be amended, and I think a section similar to what's in the ODA should be in Bill 118. For example, the Ontario Ministry of Health is currently rewriting the Long-Term Care Act. How are we to be assured that nothing in the process of rewriting this act will conflict with the goal of the AODA?

Many of us were directly involved with the creation and implementation of either the Advocacy Act or the Employment Equity Act or both. Neither of these acts was even fully implemented before being dismantled by government. The speed with which these two key pieces of legislation were scuttled was mind-boggling. We recommend, therefore, that this bill contain significant review clauses, for a host of reasons. Firstly, as we approach 2025, in the best of all worlds we may not need this type of bill but may need something else. This bill needs to be protected from future ideology, which may simply find disability and disability access too expensive. This legislation must not be repealed without other new legislation to replace it. Review clauses are needed because, although there are some timelines and goals in this legislation, there is no way to assess to what extent the goals have been met.

To conclude, we want to see a process developed to bullet-proof this act against the ideology of tomorrow so that we will not see its premature repeal. Secondly, we are concerned that the right balance has not been achieved between the permissive aspects of the bill versus the prescriptive aspects. We feel that this act, given the 20-year time frame, is too permissive.

Finally, we want to point out that this government is actively erecting further barriers to our full participation—not on purpose, but accidentally. This bill needs a section to address that and to amend other legislation to ensure that it remains compatible with this act and its goals. Ultimately, to ensure that, this legislation should enshrine that all existing and new cabinet submission

documents and policies be measured against their capacity to create or remove barriers for people with disabilities.

We would like to see an act where a significant majority role for people with disabilities is enshrined throughout the process. We have an exclusive interest in its successful implementation, because success to us doesn't just mean within the highest profit margin.

Thank you for the opportunity to make these remarks to you today. If there's time, we will take some questions.

**The Chair:** There is time, about a minute and a half. We'll start with the government.

**Ms. Wynne:** Thank you for being here. The issue of putting mechanisms in place to protect against future ideologies: What would that look like? Have you got language around that?

**Ms. Carpenter:** For example, you could have something in this legislation that specifically says, "This act cannot be repealed unless you put another piece of legislation in place." There is a democratic legislative process that is consultative in nature, then it still has to pass first, second and third reading to be proclaimed. That in itself would protect the act against a premature repeal.

**Ms. Wynne:** I guess what we're counting on is that we're putting legislation in place that will invoke an attitudinal shift that will make it impossible for future governments to go backwards. To give credit where credit is due, we are building on a societal move that has been in place for a number of years. We may not agree with the previous legislation, and we're building on that, but there has been a societal attitude that we need to move forward on this. Is that fair?

**Ms. Carpenter:** Well, we've witnessed the backlash that can occur. I was at other committee presentations around the Advocacy Act when it was put into place, and around the Employment Equity Act, and that stuff was just pulled away.

**Ms. Wynne:** Fair enough. We'll take this comment, because certainly we would not want that to happen. Thank you.

**The Chair:** Mr. Arnott?

**Mr. Arnott:** Thank you very much for your presentation this afternoon. I enjoyed listening to it. I think the Ontario Network of Independent Learning Centres has brought a unique perspective to this discussion.

My sense is that you're somewhat skeptical about the government's intentions, notwithstanding all the statements that have been made. For example, you talked about the wording in the bill, that one section said the Lieutenant Governor in Council "may" create these standards, as opposed to "shall." You are quite skeptical. Is that true? Or what's going to happen going forward?

**Ms. Carpenter:** I wouldn't say I'm a skeptic, but I'm a realist. I also worked for the Ontario government for 10 years and I know how priorities are set. I know how an innocent little word like "may" can be interpreted, for what may seem like a good reason, but people put



barriers in place for people with disabilities without even realizing what they're doing.

**The Chair:** Ms. Martel?

**Ms. Martel:** Thank you for being here today. With respect to that very section, I did raise that concern yesterday morning with the ministry staff, and there was an extended discussion about why this may or may not be able to be changed. But I think some other wording is going to come forward, because it should say "shall" and there shouldn't be any question that the standards have to be enforced and be passed.

My question has to do with the complaint process. You're quite right: There's nothing in here for individuals to make a complaint about a standard not being implemented, what effect that has on them etc. The suggestion by the ministry yesterday was people could pursue this through the Ontario Human Rights Commission, which I am completely opposed to. There are lots of problems with the commission, and I don't lay the blame on the staff of the commission. I don't want to be sending people there as a consequence of this bill, because those complaints will go nowhere. Do you have some sense about what kind of complaints process could be established that would actually provide for issues to be adjudicated and resolved in a timely fashion?

**Ms. Carpenter:** I think there should be a tribunal just for those reasons as well, so that disabled people, either individually or collectively, can specifically talk about a standard that should be created, rather than an individual accommodation or disability barrier.

I see this as something that should be compatible with the Ontario Human Rights Code, but not replace it. I see this as a very different bill. It's more like an implementation bill. If the Human Rights Code had been enabled many, many years ago, when they came up with the decision, if it had had a general application rather than an individual application, you wouldn't have to have a bill like this today.

**The Chair:** Thank you very much for coming.

1630

#### NATIONAL FEDERATION OF THE BLIND: ADVOCATES FOR EQUALITY

**The Chair:** We will move on to the next presentation, the National Federation of the Blind: Advocates for Equality. There is someone there to assist you, sir. Whenever you are ready and feel comfortable, you can start. You will have 15 minutes to make your presentation and potentially answer some questions.

**Mr. John Rae:** Could we have some assistance in distributing these, please?

**The Chair:** Yes, and someone will adjust the microphone closer to you so that we can hear.

**Mr. Rae:** Good afternoon, members of the committee. Thank you for this opportunity to be here. My name is John Rae. I'm the national president of the National Federation of the Blind: Advocates for Equality.

**Ms. Marcia Cummings:** I'm Marcia Cummings. I'm the national secretary. Can everyone hear me?

**The Chair:** Somebody will move your microphone for you.

**Ms. Cummings:** Can we have another one?

**The Chair:** There are two microphones there.

**Ms. Cummings:** Thank you. Are both of these on?

**The Chair:** Yes, both of them are in the right location.

**Ms. Cummings:** I'm the national secretary. My name is Marcia Cummings.

**Mr. Rae:** For the benefit of the people who are in the room and those who are still watching this across the province, we have asked that a summary of our brief be distributed to members of the committee. What they will quickly discover is that we are providing them with a synopsis in our preferred format, namely Braille.

**Ms. Cummings:** But John, they can't read it.

**Mr. Rae:** None of them?

**Ms. Cummings:** No, not as far as I know.

**Mr. Rae:** Not in 2005?

**Ms. Cummings:** That's right. They can't read it. It's useless. It's like it's firewood.

**Mr. Rae:** But it was the best we could do in this short time. It was the easiest way we could produce it.

**Ms. Cummings:** Yes, but it's useless.

**Mr. Rae:** I hope it's not useless.

For members of the committee who are wondering where we are going with this, or are starting to feel a bit of discomfort or even a bit of annoyance at us, those reactions are all fine from my standpoint. In case you're wondering what the point of this was, so far this exercise has covered two elements. One is the framework of the bill, and secondly, the results that we, the disabled community, expect.

What we tried to do by this little skit was not only to give you something a little different at 4:30 in the afternoon on the second day of hearings, but also to try and put a bit more of a human face on the results of the kind of exclusion and depravation that we constantly live with.

I've got good news for you. If you had a few negative feelings during what we presented, the good news for you is that they will go away, and they will go away quickly. But those sorts of things are what we have to live with. We go and meet with governments, municipalities and other service providers, and very often we get to a meeting and we're provided with reams and reams of this stuff—print, material that we can't read—at a meeting we are expected to participate in and want to participate in. And I must tell you the result of that, the effect of that, and this is what's important; this is why this bill must be amended and strengthened. The effect of that is demeaning, a feeling of being discriminated against and directly excluded from processes we should be a part of. That's got to stop. That was the point of that exercise.

The NFB AE is a consumer organization. We are an organization of persons who are blind, partially sighted and deaf-blind. I emphasize that one little word "of"

because it's important. We are a consumer group. We are an organization of people who live our lives as people who have disabilities. We believe very succinctly that we are our own best spokespersons, and as a consumer organization, we believe we are the legitimate spokespersons for our part of our community.

Consumer groups like ours must be an integral part of the standards development committees. In fact, we believe that consumer groups should form the bulk of the disabilities portion of those committees. So far, of course, the committees are to consist of government, a large sector of disabled people, we think, and the business sector. We think there's one sector missing: In sectors where there's significant unionization, a role for labour should also be considered.

To make those committees work, government is going to have to provide some funding, especially to organizations like ours. Many of us are small and our organizations are already very busy. To make it possible to devote the time that will be needed to do the research and to participate in those communities, some funding has to be provided.

**Ms. Cummings:** We are here discussing making Ontario fully accessible, and yet no one so far, that I know of, has given a definition of "accessibility." So we thought we'd try and craft one to give you something to work from, because we believe that it needs to be spelled out as an integral part of the act for those of us who don't know what it is. We believe that accessibility is full access and the ability to access and make use of products, services, programs, premises, all of that. The important thing is that we be able to do it independently and with dignity.

There is a difference between being able to get into a building and being able to get into one accessibly. It can be as simple as having to be carried up a flight of stairs versus going up a ramp, or in terms of a restaurant, say, having to get someone to read me the menu versus being handed a Braille menu with up-to-date pricing and item information and being able to read it for myself. There's a difference there.

We want to put a face on what accessibility is and what a good Bill 118 should mean to blind, deaf-blind and partially sighted people in Ontario. It's certain things like Braille and large-print menus in restaurants, and that on public transit you don't have to go through a memorization process to make sure you get where you're going, because the subway drivers don't call the stops 50% of the time. It's things as simple as that: being able to get on a really crowded streetcar and not have to work my way to the front door so I can ask the driver to let me off at a stop that's a half-hour away; he should be calling those stops for everyone, for the person at the back who can't see out the window and then sees the sign of the place as they pass and for us who can't see the signs at all. Those are some of the things.

**Education:** If we can't get our textbooks on time, we can't go through the course material at the same rate as everyone else, so we're not going to be able to achieve

the same high marks. Perhaps it would be good to note that textbook publishers should be considered a service, so that service could be made accessible and regulated to be accessible.

**1640**

**Workplaces:** Accessibility in the workplace to someone who is blind or visually impaired, partially sighted or deaf-blind means that your technology is not allowed to change so that it all of a sudden becomes inaccessible to you for business reasons. Believe me, that is happening on a widespread basis. Companies are going to solutions that make great business sense but put us back in the Stone Age in terms of equality.

**Voting:** Voting's good. I can't vote by myself yet. I'd like to be able to. I'd like to be able to vote independently and privately like you can, but they haven't come up with a system that works.

I'll just hand it over to John and let him wrap it up.

**Mr. Rae:** To make some of these things come about—after all, this is not the first attempt to improve the lives of people with disabilities. We've gone through amending the Human Rights Code, we fought and achieved coverage in the Charter of Rights, and so on and so forth. We had employment equity; we lost employment equity. Way back in 1981, the international year talked about full participation and equality. That is some 23 long years ago. Old-timers like me still remember that time, remember the promise and remember how discouraged and disillusioned we were when that promise remained unfulfilled. This bill must not do that again to us. This bill has brought us new encouragement, and it must be strengthened and made more specific.

A couple of things happened this morning. There was talk about business, talk about costs. If we expected this work to be done overnight, I think the issue of cost would be a more legitimate issue, but we're talking about 20 long years, a long time. Certainly there must be benchmarks along the way, clear ways for the community to see and measure progress. There must be annual reports tabled in the Legislature so that the public can see these benchmarks.

There must be a way for the disabled community to bring complaints. The bill does not currently provide for that. There must be one tribunal. After all, we don't want different adjudication bodies handing down different rulings. That's not useful. After all, the business community keeps telling us that it wants to know what's expected of it. That's reasonable. We agree with them on that one. So it's important that one tribunal be established, one that understands disability issues, one that has a good number of persons with disabilities as part of it.

The same goes for the inspectors: When the positions are eventually created, extensive outreach to our community must be done and real efforts must be made to hire a reasonable number of us in those jobs. In short, the kind of participation that we're likely to see on the standards development process must continue throughout the whole process.



Another critical part is education. Everybody in this province must know about this bill, must know what is expected of them. Although we're talking about changing behaviours—that's important—changing attitudes is also part of it, focusing on kids, on new professionals, on the education system. I just wish that when I went to school, there were more teachers that looked like Marcia or me in the education system. That would have provided us with more role models, more inspiration and of course more jobs.

If ever our community needed a push, it's in the area of more dollars in our pocket. That involves jobs. The Ontario public service must become more of a model employer. It must set the standard. Also, I think it's incumbent upon politicians like the Premier, like ministers, to bring together the business community, to make it clear that the government is committed to change and that part of that change involves bringing more of us into all segments of the community, whether that be the classroom, the community or, especially, the workplace.

**The Chair:** Thank you, Mr. Rae and Ms. Cummings, for your presentation.

**Ms. Cummings:** Can I just make one final comment? Please remember: Nothing about us without us.

**Mr. Rae:** And one final comment: We haven't forgotten your preferred alternative format. We have a few copies of our brief for you, which I would ask be distributed and examined. Thank you very much for the opportunity to appear.

**The Chair:** Thank you again. They will be distributed to all of us.

#### RETAIL COUNCIL OF CANADA

**The Chair:** The next presentation is from the Retail Council of Canada. Are they in the room? Is that Mr. DeRabbie? Whenever you are ready, you can start your presentation.

**Mr. Doug DeRabbie:** Good afternoon. My name is Doug DeRabbie. I'm the director of government relations for the Retail Council of Canada. Thank you for the opportunity to appear before you today. I will try to move through the presentation quickly so we have some opportunity for questions.

The Retail Council of Canada has been the voice of retail since 1963. We represent an industry that touches the daily lives of most people in the province. Like most associations, we are not-for-profit and are funded through dues revenues. Our 9,000 members represent all retail formats: mass merchants, independents, specialty stores and on-line merchants. Approximately 90% of our members are small independent retailers and over 40% of our membership is based in Ontario.

The retail industry is a dynamic and fast-paced industry. Nationally, it contributes more than \$330 billion annually to the economy, which represents about 5.6% of the GDP. In Ontario, the retail sector contributes more than \$125 billion annually to the economy, representing more than 5% of the provincial GDP.

Despite its significant size and scope, retail really is dominated by small business. The majority of our members employ fewer than four people. You will notice in our submission under graph 1 a column entitled "Indeterminates." These are actually companies with no payroll, so they are sole proprietorships, mom-and-pops. They don't have a payroll. They don't employ a single person. Approximately 70% of the retail sector has sales of less than \$500,000, and 89% of the retail sector has sales of less than \$2 million. So this is really small business we're talking about. We talk about Wal-Mart or The Bay or Sears, and they are really in the minority at 3% of the industry.

Retail is Ontario's second-largest employer, with almost 750,000 employees. I think that's actually a little-known fact, but we rank right behind manufacturing, and you can see that in scale, well ahead of health care, the tourism industry and others. It's a huge industry in terms of employment.

Before I begin to discuss the legislation, I would like to take a few moments to talk about accessibility in the retail sector. The general approach of RCC and its members is to ensure that people of all abilities have equal access. In attempting to achieve this objective, retailers have generally focused on three major areas: barrier design, servicing customers with disabilities and employing persons with disabilities. In each area, retailers have been faced with both challenges and opportunities. Through their experience, we have learned that, in large part, the key to overcoming the challenges and seizing the opportunities is through providing flexibility, increasing education and awareness and keeping the lines of communication open between the retail community and the disabled community.

Regarding barrier design, there are a number of issues facing the retail community, including providing access for both customers and employees, the need for differing standards for various retail formats and ensuring sufficient time to implement any legislative requirements. There is also the issue of distinguishing between the interior of the store and access to the store. This is important, as most retailers, even large ones, do not own their property. Rather, they tend to be tenants in a general purpose space that is designed, built and owned by someone else. One possible option that could be explored to address this issue is to look at enhancing customer service as an alternative to the removal of barriers.

#### 1650

With respect to servicing customers with disabilities, RCC's members currently have a number of initiatives in place. For example, some retailers encourage customers to approach the front desk, where an employee will assist with shopping or filling out a job application. As well, some employers are training employees on how to interact and communicate with customers with disabilities. Certainly there are additional opportunities for businesses to increase staff awareness and sensitivity through seminars as well as through information and training manuals.

On the matter of employing people with disabilities, the retail sector is facing a growing labour supply crunch. Attracting and retaining quality people has become a key competitive issue. From a strictly business perspective, it is in the industry's interest to ensure that it is tapping into all areas of potential labour supply, including those Canadians who are disabled.

Although eager to learn more about tapping into this sector of the workforce, employers are not currently utilizing the skills and abilities of persons with disabilities to their fullest potential. To turn things around, employers will need more comprehensive and readily available information about the workplace needs of persons with disabilities.

Also important will be increased partnerships among business, government and community organizations to promote hiring and retention of persons with disabilities through better information and supports for employers.

Finally, communications must be a priority in order to educate employers and dispel the myths surrounding the potential of persons with disabilities to work, as well as the perceived costs to employers to carry out workplace accommodations. Modifications to the workplace may be perceived as an unjustifiable expense to employers, given the proportion of employees with disabilities. However, many workplace accommodations are low in cost, and some, such as flexible hours, work-sharing and modifications to the workplace, do not involve excessive expense to the employer. Promotion of the actual costs versus the benefits of workplace modification, and possibly tax incentives for employers who undertake accommodations, may result in an increased willingness of employers to provide accommodations.

Turning our attention now to Bill 118, RCC congratulates the minister for introducing legislation that is fair and balanced and that ensures that people of all abilities have equal access. We support the creation of standards development committees. These committees will provide an important forum for the dialogue that must take place between the business community and the disabled community if we are to develop meaningful standards.

As was noted earlier, the retail sector's contribution to the daily lives of Ontarians cannot be underestimated. With annual sales over \$125 billion, over 85,000 establishments and almost 750,000 employees, the retail sector reaches every corner of the province.

Accordingly, we are recommending that a standards development committee for the retail sector be established. We would further recommend that such a committee begin its work by focusing on the following areas: barrier design, servicing customers with disabilities, increasing education and awareness and employing people with disabilities. These topics can then be fleshed out through discussion amongst committee members.

As committees begin these discussions, one of the challenges they will face is the fact that there are many disabilities whose needs can conflict and must be balanced. Another challenge will be how to identify and address mental health disabilities. To effectively address

both of these challenges, the committees will need to focus their efforts on increasing education and awareness as well as fostering open and regular dialogue.

RCC supports the provision that an accessibility standard may create different classes of persons, organizations or buildings based on the number of employees, annual revenue, type of industry and size of building. This is especially important for retailers who, as was noted earlier, typically lease their premises and as such are not in a position to make changes to the design of their stores. Undoubtedly there will be a great deal of discussion on this matter, but an important consideration that will need to be addressed is the responsibilities between property owners and tenants.

RCC and its members also support the flexibility that will be given to each committee to determine an appropriate time frame for the implementation of measures, policies and practices, and we are supportive of the 20-year time frame. This is vital to ensuring that retailers will be able to efficiently and effectively implement all the required changes.

RCC by and large agrees with the legislation's proposal of the need for annual accessibility reports from any and all persons and organizations affected by the bill. To that end, RCC is recommending that it be allowed to report on behalf of its members regarding their progress. We would work with members to determine how they are meeting their obligations and, where appropriate, encourage them to go above and beyond the standards that have been set.

Finally, RCC supports the creation of the Accessibility Standards Advisory Council. We are respectfully recommending that we be appointed to the council. RCC is currently a member of the BC Minister's Council on Employment for Persons with Disabilities. Given our active involvement in this area, we believe we can contribute a great deal to the work of the council.

Moving on to next steps, retailers are already discussing how they can work together to ensure equal access for people of all abilities. Last fall, RCC put together a formal working group of members to look at how we could enhance accessibility, with the hope that any recommendations would then form the basis of discussions at the standards development committee, once it had been created.

Discussions so far have provided a strong framework for moving forward. Members of the working group have indicated that any standards developed for the retail sector should accommodate anyone using a company's facilities, including customers, employees and vendors.

It was also agreed that the working group would look at developing an accessibility policy. In order to do so, it was discussed that the group first needed to identify the barriers to accessibility. After having done so, the group agreed to develop policies and/or plans in the areas of barrier design, servicing customers with disabilities and employing people with disabilities. It was further agreed that any policy or plan would look at both existing store locations as well as new locations.



It has been said that representatives of the disabled community were determined that any legislation be as fair as possible to business. They were also looking for the opportunity to sit down with various business sectors to negotiate standards that are both world-leading and fair to everybody. We are here today to echo that spirit of co-operation and consultation. RCC and the retail sector want to be able to meet with representatives of the disabled community to learn, to understand and to make the changes required to enhance accessibility.

As such, it is our intention to invite representatives from the disabled community this spring to join in our discussions. This will assist retailers in identifying barriers, such as physical, attitudinal and communications. This will also be important in the development of tools, resources, educational and promotional materials and staff training.

In closing, the minister has indicated that this legislation is about fairness, opportunity and inclusion. It is also about building a better Ontario and reaching the full economic, social, cultural and human potential of our province. We couldn't agree more. For retailers, they take great pride in the communities in which they live. By helping to provide accessibility, retailers will be building upon their efforts to deliver to Ontarians a quality of life that is second to none. Indeed, for retailers, it is not just about being a good corporate citizen, it's about doing the right thing.

On a personal note, my brother is physically and mentally disabled. He has taught me a great deal about living with a disability. He was not supposed to live past the age of seven; next month, he will be celebrating his 29th birthday. Through his example, he has instilled in me a fierce belief in the value that all of us have a right to the opportunity to achieve our full potential. Through this legislation, we can accomplish this.

Thank you again for your time today, and I hope that leaves time for questions.

**The Chair:** There are a couple of minutes, about half a minute each or so. Can we start with Ms. Martel, if she has any comments or questions?

**Ms. Martel:** I'm looking on your page 11 where you talked about the work that the working group did and that the group needed to identify barriers and did so. Do you want to tell the committee what you identified during the course of that?

Then, it said at the bottom that you were inviting people from the disabled community to join the discussions. Were they on the working group in the first place? I'm hoping that they were. What were their comments with respect to the process and where to move forward?

**Mr. DeRabbie:** With the working group, we started off small. We started off with a couple of members; we have now expanded to six. We've identified some of the barriers in the areas of servicing customers with disabilities as well as employing persons with disabilities. Our members have been actively involved with both of those areas across the country.

In terms of representatives from the disabled community, we have put in calls and we're hoping that they can join our discussions shortly. We're trying to meet on a monthly basis because, once the committees are established, we'd like to hit the ground running.

**The Chair:** Mr. Leal?

**Mr. Leal:** Doug, good to see you again. Would members of the Retail Council of Canada also be members of the Canadian Federation of Independent Business?

**Mr. DeRabbie:** There may be some overlap.

**Mr. Leal:** What struck me is that your submission today was very positive, the opportunities that the Retail Council of Canada sees with this legislation. Certainly my perception from the CFIB presentation was that of putting up blockages of doing business in Ontario. I'd just like to get your comment on that.

**Mr. DeRabbie:** From our perspective, we feel that there are a lot of opportunities. As I mentioned, we're experiencing a labour supply crunch. We feel that it would be a disservice to shut ourselves off from employing people with disabilities. We feel that that will be a huge reserve for us. But also, there has been talk about the Royal Bank report saying that there's \$25 billion worth of spending done by the disabled community. Certainly, we'd like to be able to provide an opportunity for people with disabilities to come in and feel welcome, to provide them with the service they need.

**The Chair:** Thank you very much for your presentation.

1700

## GREATER TORONTO APARTMENT ASSOCIATION

**The Chair:** The next presentation will be the Greater Toronto Apartment Association. You can start any time, sir. You have up to 15 minutes.

**Mr. Brad Butt:** Good afternoon, Mr. Chair and members of the committee. Bear with me with this frog in my throat today. My name is Brad Butt. I'm the executive director of the Greater Toronto Apartment Association.

The Greater Toronto Apartment Association was formed in 1998 to be the voice of the rental housing industry in the greater Toronto area. Our membership consists of close to 240 companies that own and operate in excess of 160,000 apartment units. The implementation of Bill 118, as currently written, will affect every rental housing provider in the greater Toronto area and, as such, we do appreciate the opportunity to share our views with the committee.

We understand that the intention of the bill is to establish accessibility standards that would complement the remedies available to the disabled through the complaint-driven process under the Ontario Human Rights Code. Our members support initiatives designed to improve accessibility for the disabled. Our members house many people with disabilities and make accommodations to these needs. We consider achieving the objective of

adequate accessibility to be a social responsibility shared by everyone.

However, the rental housing industry is a highly regulated one. We are affected by many different pieces of legislation, and right now many of them are being considered for amendments or repeal, including the Tenant Protection Act. This leaves our industry in a state of uncertainty and flux. We hope that the ministries responsible for the various pieces of legislation will consult with one another in their development, and we will continue with our housing partners to participate with the policy-makers to assist them to do so.

The establishment of reasonable standards has potential advantages for our industry. Reasonable standards provide us with predictability and certainty in operating our businesses. Reasonable standards allow us sufficient time to plan and implement measures that eliminate barriers. Reasonable standards create a more level playing field within the industry, as opposed to a complaint-driven system that creates inequities.

We support the bill's pragmatic 20-year full implementation timeline. Of course, we believe many measures can and will be implemented much sooner. A reasonable approach to full implementation will give our industry some predictability and certainty in operating our businesses and planning for the long term. Reasonable timelines allow us to plan and implement changes that eliminate those barriers.

There are, however, some aspects of the bill which we do find troubling. In identifying these areas, it is hoped that they will improve the bill and enhance its effectiveness. In our brief, our concerns relate to the vagueness of key terms and concepts within the bill as well as the makeup and procedures of the standards development committees and the operation of certain enforcement provisions of the bill. The bill contains goals, but it lacks substance and specific direction. We are particularly concerned about the lack of clear guidelines provided to the standards development committees regarding the criteria to consider for developing those standards. What will be considered reasonable? Will standards be developed regardless of cost? What reference will they have to the Ontario building code, the Ontario fire code or local property standards bylaws? If standards development is to be left to committees, we believe that they require this type of direction before they begin their work. We want to see the legislation spell out clearly that the standards will be reasonable and have specific limiting criteria.

Look at the Ontario Human Rights Code, which uses "undue hardship" as a defining guideline with respect to notions of reasonableness in accommodation. We believe that similar guidelines for the standards development committees will help to avoid an unfortunate patchwork of different definitions affecting various sectors in a potentially unfair manner.

We recommend that the bill be amended to include specific principles to assist the committees to determine reasonable standards and measures. The allowance for

different classes with different standards within the same industries, contained in subsection 6(6), is the closest the bill comes to an acknowledgment that there will be limiting contextual factors which must be considered when standards are developed. The bill should contain an explicit acknowledgment and articulation of those factors.

For example, committees should be required to review and consider sources of financing, including the availability of subsidies, tax credits or deductions, as part of determining standards. Committees should also be required to explore the technical feasibility of a proposed standard. In some cases, a proposed standard may simply not work because of the technical issues, such as where a proposed alteration to a building would require the removing or altering of a load-bearing wall that is an essential part of a structural frame, or because other existing physical or sight restraints prohibit modification.

There should be a general principle requiring all measures to be reasonable. We need to ask ourselves: First, does the measure impose an undue financial and administrative burden on the housing provider? Second, would implementing the measure require a fundamental alteration in the nature of the provider's operations? There are limits to what can be accomplished in older buildings. The average rental apartment building in Toronto is more than 40 years old. These are policy decisions that should be made now and enacted in the bill and accompanying regulations. This should not be the work of individual committees that may not have an appreciation of this fact.

In our view, the failure to address these important issues now, as part of the legislation, will result in an inappropriate burden or power being placed in the hands of these committees. Not only would this increase and delay their work, but it would give rise to different standards and approaches across the committees.

The bill speaks of the minister communicating ideals to the committees through terms of reference. We should be able to see the general policy included in the legislation at this time for public comment and debate. We assume that, while important, the goals of full accessibility are not achieved at any cost. What is the cost which the government will consider acceptable? What is the cost which our industry is being asked to bear? If there are any mandated costs, is the government prepared to acknowledge the rent increases necessary to pay for those costs?

Of similar concern, the definitions of "disability" and "barriers" are too broad and appear too open-ended. For example, the definition of "attitudinal barriers" should be developed to ensure the standards are dealing with behaviour as opposed to personal thought. It is far from clear what is meant by an attitudinal barrier in the present bill.

We recommend that the government continue to work with all the stakeholders to reach realistic definitions. This is crucial to the success of the bill. These definitions form the backbone of this legislation. Let's make sure they are comprehensible and fair to all.



We commend the government for its consultative and inclusive approach in developing standards. We are, however, unclear as to how members of the standards development committees will be actually selected. This is a critical point because of the significant work burden placed upon these committees, regardless of how much guidance they receive. They will be responsible for putting the practical substance into the legislation. As far as the accommodation sector is concerned, we strongly urge the minister to select individuals who are competent, skilled and experienced in property management, design and construction.

The bill does not deal with the internal procedures and pressures of the committees. These procedures must be developed. Given the disparate makeup of the committees, one cannot assume that committees will reach a consensus on any issue. What if they can't reach a consensus? Will they need a quorum to make decisions? Is the minister the referee? Will the committee hold public meetings or do work in camera? How will the committee communicate with the members of a proposed class?

1710

While section 10 provides for public feedback on draft standards, interested parties need to be able to communicate with the committee before it develops its drafts. We also believe that continuity will be an ongoing challenge, both for committee members and ministry staff. Turnover will hamper and delay the work of the committees. Steps must be taken to reduce and delineate the tasks of the committees to reduce turnover as much as possible. As mentioned earlier, these committees must have clear and consistent guiding principles. Absent this assistance, the committees will have to develop these criteria themselves. We cannot ask the committees to do all the heavy lifting in terms of resolving difficult policy issues before they have even had a chance to do their main job of dealing with accessibility. In these circumstances, there is a risk that decisions will be made under pressure to meet deadlines and that the quality of those decisions will suffer.

With respect to enforcement, we are concerned about the bill's potential overlap with the Ontario Human Rights Code. It would be unfair, unduly burdensome and inefficient for a rental housing provider to have to respond to more than one tribunal simultaneously on the same issues or to have to re-litigate the same issues. I think the deputant two before me actually said the same thing, which we were very pleased to hear.

There should be a rebuttal presumption in the bill that compliance with a standard implies compliance with the code. At the very least, a concerted effort should be made by policy-makers now to articulate how the two pieces of legislation will interact. The requirement for annual compliance reports that will be made available to the public is excessive and unnecessary. Smaller rental housing providers may have difficulty fulfilling these obligations, which are particularly intimidating in light of their public nature. Many smaller rental housing providers have only one or two properties that generate only supplementary

income. This bill, if implemented as is, may be yet another incentive for some to abandon the business of providing some of the most affordable housing in Ontario.

Finally, as the rental housing association in Toronto, we want to be clear about our concerns over delegating power, authority or regulation through the bill of the standards development committees to municipal government. If the government believes that improved accessibility to public buildings is desirous, the standards must be provincial rather than allowing local jurisdictions to develop standards that may be considerably higher or more onerous than generally accepted provincial standards.

In closing, I want to reiterate that we support the intention of the bill. A clear set of standards will benefit our industry by providing us with consistency and predictability. We are, however, concerned about the manner in which the objectives of the bill are being fulfilled.

I want to thank you for the opportunity to address you today and I would be pleased to answer any questions, Mr. Chairman.

**The Chair:** Thank you for your presentation. There is only about a minute or so. Mr. Jackson, would you like to ask a question?

**Mr. Jackson:** Thank you, Mr. Butt. Brad, virtually everybody has raised to some degree the concern that we really don't know exactly the terms of reference for the standards committees and how they will work, so some of that's on faith.

This is a difficult question for you, but you're actually in a much better position than some because under certain aspects of rent control legislation you can, in fact, pass through some of those costs, if required, in the form of rent increases through the rent tribunal. It's an oversimplification, but there are other organizations like school boards who just can't—there's nobody to pass it through to. So there is that little bit of relief there for you as long as the government recognizes that if they're going to be doing rent review legislation, costs for accessibility are similar to other costs in terms of how they are treated. I know that didn't find its way into your brief, but is that a fair statement for someone to make?

**Mr. Butt:** Naturally, regardless of what the government decides to proceed with as far as amendments to the Tenant Protection Act, we certainly would be suggesting at that time that it would be unreasonable to force capital retrofits on rental apartments and not have a mechanism to allow that cost to be passed on to the occupants of our buildings. Depending on the finality of this bill and what's there and what is forced upon apartment buildings to upgrade their existing rental housing stock, we would certainly hope there would be a provision in the Tenant Protection Act that would allow us, where feasible, to pass on those costs.

**The Chair:** Thank you very much for your presentation.

## TORONTO CITY COUNCIL

**The Chair:** We'll move on to the next presentation from Toronto city Councillor Joe Mihevc. He's already here. Please take a seat. You will have 15 minutes total. You may choose to leave some space for questioning. Whenever you are ready, please proceed. Welcome.

**Mr. Joe Mihevc:** Thank you very much. It's a pleasure to be here this afternoon. I'm just getting all my weapons or tools together.

My name is Joe Mihevc. I'm a city councillor in Toronto, but most importantly, I'm the city's disability advocate and the chair of the city of Toronto's disability advisory committee. With me is Bernita Lee, who's the coordinator of the Toronto disability issues advisory committee, the staff person. On behalf of the committee and on behalf of Toronto city council, I thank you for the opportunity to respond to Bill 118, the proposed Accessibility for Ontarians with Disabilities Act.

Many of the province's 1.5 million Ontarians with disabilities work or live in the greater Toronto area. People with disabilities like to live in cities because this is where the services they need are and the place where they can lead a higher quality of life. Given the size and concentration of the disability community in Toronto, strong and effective accessibility legislation is critical in strengthening the city's commitment to be a barrier-free city.

The city of Toronto has a strong commitment to responding to the needs of people with disabilities. The city, both in policy and in practice, aims at becoming a barrier-free city. Toronto city council has adopted a number of policies and plans in order to reach these goals. I've brought a number of these forward, and if you wish them as a resource, I think that's good in terms of resource sharing. These plans include an accessibility plan, which I have here, an access and equity plan, a plan of action for the elimination of racism and discrimination. In addition, there is a policy on human rights, a policy on employment equity, an anti-discrimination policy and a multilingual policy, to name a few. All of these policies have pieces in them that address disability issues.

The city's commitment is also reflected in a unanimous vote taken by Toronto city council when it passed a motion in 2001 urging the provincial government of the day that any legislation applying to the prevention and removal of barriers for Ontarians with disabilities must be mandatory and apply to all sectors: public, private and not-for-profit. A further motion in 2001, also unanimously adopted by city council, reiterated the commitment to make Toronto a barrier-free city by 2008 and again called for strong, effective and mandatory accessibility legislation.

In March 2004, I presented the city's submission—it was titled *Delivering Change Where It is Needed Most*—to the provincial public consultation on improving the ODA that this government put together. The principles and themes in earlier submissions were once again pre-

sented. These included amending the ODA to incorporate the 11 accessibility principles that were adopted by the Ontario Legislature in October 1998; strengthening the objective of the act to provide protection and removal of barriers for persons with disabilities rather than establishing the processes by which the implementation could take place, so focusing on content rather than process, which is what the previous ODA did.

I'm speaking to the principles. Next was to focus on making barrier removal and prevention mandatory, not voluntary, along reasonable timelines; extending accessibility requirements to all sectors; developing accessibility standards; and providing for effective enforcement and remedies.

1720

In keeping with its commitment to become a barrier-free city, city council endorsed accessibility design guidelines in May 2004 to guide the construction of new facilities and the renovation of city-owned facilities as well as those of other sectors. We paid a good chunk of change to get this document put together. Again, you are welcome to take it and have it.

Just today, a couple of hours ago, city council approved the report detailing how we're going to implement this at city council, the basic thing being that every time there is a capital request made of the city by any agency, board, commission or department, they have to tick off if they have met the guidelines we've put together. Frankly, these guidelines are state of the art. We took together the best practices that have been present in Canada and the US. The implementation strategy provides a basis for setting priorities and also provides for the preparation of accessibility audits as part of the submission of capital and operating budgets.

The purpose of Bill 118 is to benefit all Ontarians by developing, implementing and enforcing accessibility standards. The bill also provides for the development of these accessibility standards.

We at the city have, of course, the city's disability issues advisory committee and we went through a process among ourselves to review the legislation. Our committee agrees with the general approach of the proposed legislation.

We recommend the full incorporation of the 11 principles of the ODA resolution, adopted in 1998. Incorporation of these principles in full enables the specific issues of our city's advisory committee to be addressed.

So what are these issues? We have an amazing advisory committee of people working in various areas of disabilities, and we went through this process and met a few times as a subcommittee to review the legislation. We have four suggestions; some are related to the bill, some are around the bill and are perhaps related to the regulations that might follow.

As a first point, the members of the city's disabilities advisory committee unanimously agreed that improving access to public transit is important; it's an important priority. Effective accessibility legislation and its implementation needs to specify timelines and modes of



transportation for change. This word, “modes,” of transportation is very, very important. For example, the TTC has three modes of public transit, if you don’t count Wheel-Trans for the moment: subways, buses and streetcars.

The issue with subways is elevators. We do have a program in place. We do one or two a year. Sheppard is fully done. We’ll get there in time to meet the five-year requirements, the 10-year requirements, the 15-year requirements and the 20-year requirements.

On the bus side, every new bus that is being purchased is a low-floor bus, so we’ll meet all the schedules around the bus piece of it.

The third piece—and this is why you need to say by “mode” rather than the whole system—is the streetcar piece. The streetcar piece will not be made accessible. We need you to help egg us along, to make sure that the next time we look at either renovating or renewing the current fleet of streetcars, we don’t go in that direction, but we go in the direction of purchasing the new low-floor streetcars that you see all over Europe and the United States. That’s the direction we need your help to push us in. I’m a TTC commissioner wearing another hat. We need you to encourage us in the right direction.

Secondly, creative funding is required, not only to augment accessible transportation services but also to provide available and appropriate accommodation so that Ontarians with disabilities have equal and meaningful opportunities to participate. The perception is that the province needs to address budgets for accommodation services, education and advocacy. I think some seed money, some creative budgeting, needs to be a companion to the bill.

Thirdly, because of existing barriers, persons with disabilities have expressed that structural legislative changes are ineffective without a public campaign that targets mainstream attitudes, beliefs, actions, language and representation, to address the misconceptions and stereotypes about people with disabilities. Attitudinal barriers are just as oppressive to people with disabilities as are legal barriers. So this also has to be a companion to the bill.

Last but by no means least, our committee at the city recommends that the Ontario government take the necessary steps to advocate to all orders of government to have regard for accessibility issues and to face barrier-free access to the political process and services. People with disabilities want to be part of dreaming, advocating and engaging the politics of the day. So a specific piece of work needs to happen around that.

Just to conclude, while Bill 118 is the strongest proposed accessibility legislation to date and there are significant improvements upon the current ODA, there are some additional amendments to the bill and supplemental to the bill that will make it even stronger. Inclusion is the primary social objective. All Ontarians should have the opportunity and right to participate without fear of discrimination nor face environmental or service barriers.

The city of Toronto supports the steps made by the Ontario government toward a barrier-free Ontario through the proposed legislation and looks to a clear, strong and effective Accessibility for Ontarians with Disabilities Act that will pave the way to a barrier-free Ontario and also strengthen our efforts at the city of Toronto to translate our commitments and our vision into action on behalf of people with disabilities.

That’s my formal presentation.

**The Chair:** Thank you. There is a minute each to ask, and we will start from the government side.

**Ms. Wynne:** Joe, you’ve made some global comments about the bill. Could you comment on part VII, the municipal accessibility advisory committees? Are there changes to that section that you would see, or is it adequate in terms of the relationship between the overall standards that will be put in place and the requirements for the municipal accessibility?

**Mr. Mihevc:** Sorry, I’m not familiar with that section. That section is the one that mandates that municipalities must have a disabilities issues committee?

**Ms. Wynne:** Yes.

**Mr. Mihevc:** That’s a good piece which I think was with the former Ontarians with Disabilities Act. I think all municipalities need to have a committee in place. Of course, that’s good, but that’s process. There also has to be content to it, and I think I mentioned that in my comments. In the end, you can have as many committees as you want, but if there isn’t an agenda for change that’s content-oriented that has an end to it, then I think you can process it to death.

**Ms. Wynne:** OK. Thank you.

**Mr. Jackson:** Joe, I couldn’t agree with you more, but there were only a handful of communities in Ontario that had them. The agreement that we were able to try and reach with AMO—because AMO said, “Unless you’re going to give us the money, we’re not touching this.” We had quite an eloquent resolution saying that Ontario should be barrier-free and all these things, but I couldn’t get a single municipality to say, “Yes, and we’re willing to pay for it.” So what we needed to put in place was, first of all, to identify the barriers and empower disability groups with it. Because I had mayors say, “Cam, there’s no way we can have one of these committees telling us how our building permits should be handed out.”

Toronto has done a good job in terms of embracing the concept, but—I’m not defending the old legislation. This one gives you end times; there are a lot of positive things in this. I just wanted to suggest to you that three and a half years ago, we had none of this. I’m pleased that the government is holding on to these committees, but the plan was that your committees were supposed to reach common points of standards, because there were four or five known different standards floating around the province for everything from curb-cutting to building codes. It was a mess. It was a good mess. But they said, “Here, Cam. There are five different ways I’m told I should do it, depending where I am.”

So what I want to make sure, and I hope I got a sense of it from your last answer, is that your local input will be considered in terms of how you do that. There's a big difference between rural Ontario and the challenges you face as a councillor in downtown Toronto. It's that empowerment model, and you may want to comment on that. You make a good brief, and your comment here about stiff penalty fees for non-compliance—and I know you would like to participate in that discussion. Are you currently using the maximum of a \$5,000 fine for violation of a disabled parking space? Some municipalities are, but the previous legislation empowered you to do that.

1730

**Mr. Mihevc:** Going backwards, I think we are doing the—frankly, I'm not totally sure but I think we are using that thing.

On the guidelines, yes, one shoe can fit all and obviously each city has to have some flexibility, but I think as a resource it would be very wise for the provincial government to undertake some kind of design guidelines, some of which need to be imposed. There are a lot of options and flexibility, given our diverse nature as a province. I would take a look at this. I'll leave this with the clerk. We have everything from curb cuts to playground standards to door entrances to how high you put the ramp angles at buildings. This is state of the art.

**Ms. Martel:** Thank you for being here today. I'm curious about cost. I would be curious if, attached to the work you've done, there was also an estimate of what it will cost the city because you have that now as a document. Standards may come forward and there may be a specific table that will deal with standards in municipalities, which may increase your obligations. Do you foresee coming to the province for assistance either with the current document that you're going to work with or with potential new obligations, and can you put a price tag on what that might be? We haven't had much municipal representation here before the committee, so part of me is interested in hearing from municipalities that yes, they want to participate, and then the next thing that comes out is, "But here's the money we need to participate." That is what I'm curious about.

**Mr. Mihevc:** I think the government needs to be clever in this area. I've just come from a city council meeting and I'll be returning to it. One of the issues was, of course, the implementation of these guidelines. What we're looking to do is, something like any capital project over \$2.5 million must incorporate these guidelines, unless there are some heritage issues involved. Anything less than \$2 million, then, depending on the nature of the project, you do it on a case-by-case basis.

Should the provincial government be coming to our aid? Obviously, it can't directly fund the whole of these projects, but I think having some clever seed money to augment, because sometimes the difference between doing it and not doing it is really just incremental, and a little bit of a carrot, I think, as well as a stick, is the way that it's going to actually happen, especially for the

smaller projects and for not-for-profit agencies. I think that's a whole category that has to be looked at a little bit differently.

**The Chair:** Thank you very much for your presentation.

**Mr. Mihevc:** Thank you. We appreciate being here. Should I pass this on to the clerk?

**The Chair:** Yes, the clerk will take it and distribute it to all of us. Thank you again.

PAUL DANIEL

**The Chair:** The next presentation is from Mr. Paul Daniel. I understand he is in the room. Mr. Daniel, whenever you are ready you can start. You have a total of 15 minutes.

**Mr. Paul Daniel:** Mr. Chairman, members of the committee, let me state at the outset how pleased I am to be able to take part in serious consultations on equality for people with disabilities in Ontario. It's long overdue. I'm not here to speak on behalf of any organization or company. I'm a writer, a producer and an outreach assistant for a charity here in Toronto, and I live in Mississauga, for the record. My only qualification is that I'm someone who was born with a disability, so therefore I think I can speak with some feeling on the subject.

I've had the opportunity of hearing many of the depositions made over the past day and a half and I have been most impressed with both the depth and the passion and eloquence of those who have spoken. This legislation is a positive first step, but the first of many steps on what I believe is a long journey. It is unfortunate, though, I must say, that in the 21st century we're only now beginning to seriously address this moral issue, and that is exactly what it is, a moral issue, making moral demands on the people—able-bodied and disabled. True, there are economic and business concerns that should be addressed, but they should not overshadow the moral dimension. This legislation is demanding that we, as Canadians and Ontarians, define how we want to treat each other beyond just fanciful rhetoric.

The one outstanding element of being disabled is that it knows no boundaries. Rich and poor, black and white, straight or gay, male or female, young and old, anyone, especially anyone here in this room, can be disabled by birth or by circumstance. No one is immune.

In regard to suggestions on the actual legislation, I want to make a few brief observations. There are probably people here who have made far more detailed observations, so I will offer mine for what they're worth.

It's amazing how in the information age we talk about everyone having equal access to information, but that simply isn't so. A blind person can't read a newspaper the same way a sighted person can read a paper. A deaf person can't enjoy a television program the same way a person who is able to hear can enjoy it. I believe, therefore, a provision should be added in Bill 118 demanding that the provincial government as well as all municipal governments make all news releases and



government reports available in alternative formats such as compact disk, or on accessible Web sites.

Accessibility is a laudable and achievable goal. I do, however, recognize that for some small businesses, reaching that goal can be a financial challenge. While I do sympathize with that concern, I do not agree that it should be used as a reason to not comply. Simply saying you did your best is not an option.

I would recommend that a fund be established to help small businesses, and small businesses only, with partial financial assistance to offset some of the costs of ensuring physical accessibility. This would require, of course, paperwork to show that they are in need of such assistance, and governments of all stripes should do everything to ensure such a fund is administered in both an effective and efficient manner.

I believe that while Bill 18 is strong on good intentions and has some good ideas, it could be possibly modified here and there to make it even more effective. There must be some form of oversight to guarantee the legislation is being carried out. Therefore, a tribunal should be established at arm's length in the provincial government and the cabinet. On that tribunal should sit qualified people, experienced in disabled issues, and it should go through a vetting process through a public hearing such as this by legislative committee at Queen's Park. The tribunal should operate transparently and a report should be published. These reports should be maintained in some sort of Web site archive, easily accessible to the public, again, in alternative formats. Decisions from the tribunal should be made available to the public.

There has been a great deal of discussion about the length of time this bill allows to make Ontario accessible, and in my opinion 20 years is far too long. To allow 20 years for legislation to fully work its way through the system tells people with disabilities to wait again. For too long, people with disabilities have waited, and to ask them to wait 20 years is neither fair nor realistic. Allowing businesses and governments 20 years to do all of this work toward accessibility doesn't indicate a great deal of faith. Ironically, I have more faith in the intelligence of businesses and governments than you might think. Information is already available on how to do this. It's not easy, and it's not going to be cheap in some cases, but it is doable.

Are we to believe that governments and businesses need to start from scratch to make buildings more accessible, to make computers more accessible, to make transportation available to all, equally accessible and equally affordable? Do businesses and governments need to be educated on the benefits of including the disabled in society? That information, as I mentioned earlier, is already out there in countless studies and research papers put out by governments, business organizations and even banks. The bottom line on many of these studies is that it is good for business and good for the economy to include people with disabilities in the workplace and in the marketplace. For any business or government to state

they need 20 years to make themselves more accessible is, in my opinion, ridiculous. The United Nations declared 1981 the International Year of Disabled Persons, highlighting the issues of equality and accessibility. Since that time, has anyone ever stopped a business or a government from including people with disabilities? Has any business or government been prevented from making their physical properties more accessible? Do I see a law somewhere saying, "We're not allowing a businessman to make his store more open to people with disabilities"? I don't think we actually ever did that.

Business and political institutions have had many years to make themselves more accessible voluntarily. That time, in my opinion, has run out. This bill will make it happen sooner, but 20 years is not realistic—in my opinion, 10 years. You have had 24 years, since 1981, to do this. What more do you need? How much longer will you wait? If I may be so bold, put yourself in the position of somebody who is disabled. How long would you be prepared to wait? Most of you here are in your 30s or 40s, or even younger—nothing personal—and in 20 years you will all be retired. I would therefore suggest 10 years, thus preventing any future government from trying to prolong or even halt the momentum toward making Ontario more accessible.

1740

It's time this province's agenda put accessibility for people with disabilities at the top of its priorities. This committee has the unique opportunity to build something that has yet to be achieved elsewhere in this country, to create a society where the rhetoric of equal opportunity and accessibility is matched by the performance of realizing its full potential. This is a moment in Ontario's history when, together, we can build a greater society where everyone, regardless of ability or disability, can participate and make a difference. I truly believe that each one of you has the opportunity to do that. This is not a political issue, and it's not one that can be broken down by economic or poll numbers.

Historically, the most courageous pieces of legislation have been enacted when the public mood was uneasy. In 1964, the US Civil Rights Act was enacted even though a sizable amount of the population disagreed with its intent. The Charter of Rights and Freedoms was enacted in 1982 even though not all Premiers or provinces accepted the virtue of such legislation. Each of these documents has now helped define their respective countries. You have the opportunity here to help define what Ontario is really all about.

Before I conclude my submission, I want to personally acknowledge the work of Ms. Stokes, the clerk of the committee, who I think has made a considerable effort to ensure that people had the opportunity to make an appearance or an audio submission. She should be applauded for her efforts. She has set a standard that every committee clerk here at Queen's Park and in every Legislature in this country should endeavour to reach. Such accessibility should be the standard approach all

committees take to ensure that all members of the public have a chance to be heard in various forums.

I thank the committee for giving me the time to speak, and I wish you all the best on your consultations and deliberations. Above all, it's time to get the job done, once and for all.

**The Chair:** Thanks for your kind words. There will be a minute for each party. The first will be Ms. Martel.

**Ms. Martel:** Thanks, Paul, for being here today.

You recommended a fund to help small business. I've got some concerns about not-for-profits, which in the last number of years have had really tight budgets. I'm not sure how they're going to manage some of these renovations. I'm assuming that you would want to see them get some financial assistance from somewhere as well.

**Mr. Daniel:** Absolutely. It's a great thing when you see words written on paper. It's always nice, because then you have this gift of hindsight. Should there be provisions? Sure, there should be. If non-profits require assistance, by all means.

**Ms. Martel:** When you talk about the tribunal sitting at arm's length, is this a reference to the different tribunals that the government wants to set up? Are you saying there should be one specialized tribunal?

**Mr. Daniel:** One that oversees it.

**Ms. Martel:** The legislation itself—so its monitoring, implementation, production of annual reports etc.

**Mr. Daniel:** Correct, to make sure the other tribunals are doing their job.

**Mr. Ramal:** Thank you for coming and presenting to us here your ideas and recommendations in terms of Bill 118. I agree with you that you've been waiting for a long, long time.

As you know, the previous Premier of this province, Mike Harris, made a written promise to deliver ODA legislation in 1995 and never did anything about it. In 1998, there was another try, and nothing ever happened. In 2001, we had the ODA bill, Bill 125, but it had no teeth. That's why we are hearing from you and many different people today: in order to have a bill that has teeth and that can be implemented to help the people across the province and to eliminate the barriers for disabled persons.

Thank you very much for coming, and I just want you to note what I said to you.

**Mr. Arnott:** I'm a little bit surprised by the partisan nature of Mr. Ramal's remarks.

**Mr. Daniel:** If it's any consolation to any of the people here, no political party in this province has been terribly exemplary on this particular subject, if I may be so bold as to say so. You can sit there and make your shots if you like, but the bottom line is that in the past 20 years, no government has been terribly exemplary. We're so far behind, and we should be doing better. We should be doing the best, given the fact that we've been waiting this long to do it.

**Mr. Arnott:** Well said.

**The Chair:** Thank you, Mr. Daniel.

## ADULT LEARNING DISABILITY EMPLOYMENT RESOURCES

**The Chair:** We are left with the last presentation for the evening, and that is Adult Learning Disability Employment Resources. We have up to 15 minutes that you can use for your presentation or a mix of presentation and questions. Please start any time you're ready.

**Mr. Greg Yarrow:** My name is Greg Yarrow. I'm the executive director of ALDER. I'd like to thank the committee and also the clerk, Anne Stokes, for enabling us to be here today sort of at the last minute, and certain members of the committee who have been very helpful in ensuring that we have a spot here. I have with me Mr. Rondon Aura Rollocks, who is a client of ALDER and who will also be sharing this presentation with me.

I'll briefly go through a table of contents here. We'll speak about ALDER and who we are, and then Rondon will speak. We'll talk about what we appreciate and support in Bill 118 and then move to our concerns and recommendations in a summary. There's extra information in the appendix.

ALDER is a non-profit multi-service agency dedicated to supporting the employment needs of job seekers with learning disabilities, ADHD and other cognitive challenges.

The irony of my being here this evening is that the publication of the notice of these committee hearings and the act itself are not accessible to many members of our community, persons with learning disabilities. I will speak to that mindset later in this presentation.

Our services include counselling, assessments, advocacy, pre-employment support, job placement, coaching and mentoring.

Now I'd like to turn this over for a word from our community.

**Mr. Rondon Aura Rollocks:** Good afternoon, everyone. I'm a little bit nervous, so please bear with me. My name is Mr. Rondon Aura Rollocks. I'm a client of the ALDER centre. The invisible disability I have is dyslexia.

What is it like to have an invisible disability? Well, it depends on whose perspective you see it from. According to teachers' comments on my report cards from grade school, junior high school and high school, I was slow, lazy and had a very low attention span, but I also had exceptional social skills. In junior high, the guidance counsellor's recommendation for high school was that I take general levels courses with the exception of math and science, two subjects they felt I could excel at.

In high school, my potential was recognized, although the teachers commented that I must try harder and must apply myself more, but university was not considered to be an option for me. At the same time, they told me it was too late for me to learn cognitive reading and writing skills, which should have been taught in grade school.

However, my perspective on schooling was completely different. Even though my grades did not reflect academic excellence, I knew I would be successful at



university. What I couldn't understand was why it was so difficult for me to express my thoughts through written words and why reading was also a very big difficulty. I was frustrated with the system. I was credited with having potential, but why was nobody there to help me develop my potential into ability? It seemed easier to label me as someone who just lacked ambition than it was to help me develop my skills.

The answer to my confusion and frustration came after high school in the form of a television program, the *Cosby Show*. Theo, the only boy in the *Cosby Show*, was working extremely hard at school but nobody really believed him. He was able to convince his parents that he should be tested. After testing, they realized that Theo had a learning disability. He was dyslexic. The reality of the situation was clear: Throughout my life, those professionals and people who thought my challenges were self-imposed were 100% wrong. I was not lazy, nor was I an underachiever. I was simply a young black guy who had a different ability, an invisible disability, but had never been properly diagnosed.

What did this diagnosis mean? At that time, I thought I would just have to work harder. Hard work was nothing new to me, so I went at it like I guess I do most things in my life: with dogged determination. A year later I was accepted into the University of Toronto, where I excelled. But when you have an LD, hard work alone leads to limited success and may also, in turn, lead to burnout. The success I found at the University of Toronto was extremely rewarding; however, it was impossible to maintain the energy required to produce the academic results I was capable of. Ill-equipped, I was unable to complete my undergraduate degree.

**1750**

A number of years later, I found the ALDER Centre. I would like to thank Sheri Cohen, the founder of the ALDER Centre, and the wonderful staff. Through the ALDER Centre support and their relationship with Lisa Allen, co-founder of Global EText and ODSP, I've had a needs assessment and have been granted computer equipment. This computer equipment has literally, in three months, opened my mind to many different possibilities. Presently, I'm creating an arts initiative program with the purpose of helping people help themselves through the arts.

Last year at this time, I was running around from computer lab to computer lab trying to produce the Harry Jerome Awards. This year, I'm producing the Harry Jerome Awards and I'm also in the development stage of the Urban Arts Initiative. The first initiative will be a fine-arts-based program which will help kids at risk within the GTA.

Even though it has taken 10 years for the government to recognize that an invisible disability is not invisible to those it affects, and accommodations which I've been fortunate enough to receive are essential for participation, advancement and contribution of people living with an LD in Ontario, I am extremely proud and grateful to have been granted my bursary. Thank you.

**The Chair:** Thank you very much for your presentation. We have about seven minutes for questioning.

**Mr. Yarrow:** I have more presentation.

**The Chair:** Oh, of course. Go ahead.

**Mr. Yarrow:** Thank you. The ALDER Centre supports, in Bill 118, the standards, timelines and consequences. The word was used before: "Teeth" are good. We commend the work of the folks who have drafted this bill and hope it continues. The process looks inclusive and reasonable.

We appreciate the reference to attitudinal barriers. I know a previous speaker had sought clarification on that, as do we, but the principle stands. I might give you an example of what that means.

One client mentioned to me a few days ago about accessing the financial system. She was on the phone speaking to a bank person about some transaction. Her learning disability prevents her from writing a cheque. She had her elder daughter, an adult, helping her with this communication. The bank person at the other end of the line suspected that this person was being manipulated, that this was perhaps an elderly person who might not have had their full capacities, and called them together into the branch to resolve it. They were not prepared to deal with this over the phone or accept, as this person disclosed, that in fact he was being faced with a learning disability. He would not accept it. This is the sort of attitudinal barrier manifest in behaviour that is at issue to our client base.

I'd also like to support that the act specifies learning disabilities, of course.

Our concerns and recommendations:

As I mentioned just now, there is a question of mindset. Bill 118 notes attitudinal barriers but does not make explicit how to address these barriers. It appears to reflect a bias toward apparent disabilities to the exclusion of those with invisible disabilities—clause 29(4)(b). We recommend the rewording of Bill 118 to be more inclusive of persons with invisible disabilities and to make explicit the challenges of addressing this population. There isn't the time now to describe how the bill should be reworded, but the consideration should be there in the redrafting.

Our second concern is with the definition of "learning disabilities," which we believe is incomplete in the bill as it stands. We suggest using the working definition of learning disabilities provided by the Learning Disabilities Association of Ontario, LDAO, 2001—it's provided in the appendix—to make the act more three-dimensional.

Our next concern is that there's no apparent harmonization with federal laws and regulations, for example, the HRSDC. Please refer to subsection 8(3). For example, the new HRSDC policy of self-identification, while commendable in some respects, will prevent many clients from accessing assessment funding. The policies of the HRSDC will allow accessibility to this funding after they have a job and if their job is at risk. It's sort of like a Catch-22. That's a major issue with us, as more than half of our funding at ALDER is from HRSDC. I

think this committee ought to have some of its folks look at harmonizing with the federal initiatives.

Our fourth concern and recommendation: the question of bureaucratization. Not to take a swipe at anyone in particular, but some directorates tend to emphasize process over results. We recommend that they establish clearly identified and public benchmarks and outcomes to reveal where government's priorities lie with respect to invisible disabilities. We would like the process of developing the standards and also the enforcement of those standards to be as much as possible driven by the community and aided by the directorate, and not the other way around. They should also make decisions available in plain language, as I referred to, to accommodate persons with learning disabilities.

Our fifth concern has to do with assessments. Learning disability is the only disability you have to pay to identify. Most people with learning disabilities lack resources to pay the \$1,000 to \$3,600 for assessments. This is perhaps the single greatest barrier that adults with learning disabilities face. Our recommendation is that the legislation should explicitly identify systemic barriers such as assessment fees as a significant barrier to persons with learning disabilities and to provide balance to Bill 118's apparent bias toward physical disabilities.

Our sixth concern is in regard to support. This is probably presumptuous of me and my organization and perhaps other smaller agencies, but we think we should be involved in the standards development process. The process of developing standards and of participating in investigations will put a strain on the limited resources of small agencies such as ALDER that wish to participate. We recommend that you consider providing support to small agencies so as not to exclude them from the standards development process and investigations, if necessary.

In summary:

—ALDER applauds the timelines, consequences and standards associated with Bill 118.

—We point out the mindset: Bill 118 requires more equity in terms of non-readily apparent disabilities.

—Definition: We would like Bill 118 to adopt the LDAO definition.

—Harmonization: Bill 118 should seek to harmonize with applicable federal legislation.

—Bureaucratization: Ensure the directorate supports the process and doesn't try to own it.

—Assessment fees are a primary barrier.

—Support for small agencies to participate in the process.

In conclusion, ALDER welcomes the implementation of standards, timelines and consequences of this legislation and believes it will have a beneficial impact on a wide cross-sector of the population for generations to come. However, it is critical to note that a policy designed to be accessible to all should be just that. The clarity, transparency and application of new regulations cannot apply to just certain segments of the population and not to others. Doing so defeats and contradicts the very purpose of the act and does nothing to improve the quality of life for an invisible community misunderstood for far too long.

Thank you, Mr. Chair, and committee.

**The Chair:** Thank you very much for the presentation. That will conclude this evening's presentation. We thank you for your comments.

We will adjourn until tomorrow at 9 in Niagara Falls. We will be guests of Mr. Craiton and company. If you could stay a minute or two, we have an update to give to all of you. I understand some of you will be driving, so we'd better do it here.

We ask if the rest can vacate the room so we can continue.

*The committee adjourned at 1800.*









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## Legislative Assembly of Ontario

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## Assemblée législative de l'Ontario

Première session, 38<sup>e</sup> législature

# Official Report of Debates (Hansard)

Wednesday 2 February 2005

# Journal des débats (Hansard)

Mercredi 2 février 2005

**Standing committee on  
social policy**

**Comité permanent de  
la politique sociale**

Accessibility for Ontarians with  
Disabilities Act, 2005

Loi de 2005 sur l'accessibilité  
pour les personnes handicapées  
de l'Ontario

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## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
SOCIAL POLICYCOMITÉ PERMANENT DE  
LA POLITIQUE SOCIALE

Wednesday 2 February 2005

Mercredi 2 février 2005

*The committee met at 0903 at the Americana Conference Resort and Spa, Niagara Falls.*

ACCESSIBILITY FOR ONTARIANS WITH  
DISABILITIES ACT, 2005LOI DE 2005 SUR L'ACCESSIBILITÉ  
POUR LES PERSONNES HANDICAPÉES  
DE L'ONTARIO

Consideration of Bill 118, An Act respecting the development, implementation and enforcement of standards relating to accessibility with respect to goods, services, facilities, employment, accommodation, buildings and all other things specified in the Act for persons with disabilities / Projet de loi 118, Loi traitant de l'élaboration, de la mise en oeuvre et de l'application de normes concernant l'accessibilité pour les personnes handicapées en ce qui concerne les biens, les services, les installations, l'emploi, le logement, les bâtiments et toutes les autres choses qu'elle précise.

**The Chair (Mr. Mario G. Racco):** Good morning, and welcome to the public hearings of the standing committee on social policy on the Accessibility for Ontarians with Disabilities Act.

Before we start, I would like to point out several features that we hope will help to improve accessibility for those who are participating in and attending these hearings. In addition to our usual French-language interpretation, we have added services for these hearings. Closed captioning is being provided for each day of the hearings. Sign language interpreters are present for each day of the hearings, and there are also two support services attendants available to provide assistance to anyone who wishes it. Those two people are standing down there at the back of the room, so if anybody needs them, they are all the way down there.

The hearings today are being broadcast on the parliamentary channel, available on cable TV on Friday, February 4. Also, for the first time, these hearings are being Webcast on the Legislative Assembly Web site at [www.ontla.on.ca](http://www.ontla.on.ca). These will also be available on Friday.

Our other hearings will be delayed broadcast in Webcast. London will be broadcast in Webcast on Saturday, February 5, and Thunder Bay will be on Wednesday, February 9. Ottawa will be shown on Thursday, February 10.

We welcome you all to these public hearings. We can proceed with the first order of business. I would ask that—

**Mr. Kim Craiton (Niagara Falls):** On a point of order, Mr. Chair: With the committee's indulgence, as the member from Niagara Falls, I want to welcome everyone and the committee, and I want to thank them for bringing the hearings to Niagara Falls. We have a very active disabled community, and you're going to hear some positive things and some suggestions on how to improve the bill. So welcome, and it's our pleasure to host this meeting today. Thank you very much.

**The Chair:** We certainly are pleased to be in Niagara Falls—

*Interjection.*

**The Chair:** —the capital of North America; not only Canada, but North America. We are blessed to be here today, and I know that our friends will have lots of things to tell us.

## EASTER SEAL SOCIETY

**The Chair:** We'll start the proceedings. The first presenter is the Easter Seal Society. Are they present?

Would you please have a seat, sir, and whenever you're ready, you'll have 15 minutes to make your presentation. If there is any time left, we will allow questions to be asked. Please speak slowly so that all of us will be able to appreciate the presentation.

**Mr. Mark-Alan Whittle:** Good morning. Before I get started, I'd like to acknowledge my wife, Laurie, my son, Logan, and his Grandma Whittle. They are with me today because we have faith, lots and lots of faith, in each other and in your government. We have taken the time to come before this committee as a family because we work together, sometimes with others, to see that our son gets to enjoy life to the fullest. As you can see by his reaction, he's already having the time of his life. He knows what love is, and he has lots of friends at school who have come to know his value and equality. That's where we have to begin this journey of accessibility, in the classroom, where the children can learn these notions firsthand.

Committee members, once again the government of the day has seen fit to begin another exhausting round of consultations on how to get Ontario's institutions and private sector companies, including Ontario's unionized

school system, to deliver what adults, teenagers and disabled children like Logan and their parents value the most: an accessible society and public education system that meets their children's needs, just like the education other kids take for granted. To us, it's a matter of survival for our kids, who we want to be the best they can be and make their way in a world that is accessible to each and every one of them.

If you want to build an accessible society, you must start with the children, who will grow up and take these notions of accessibility and equality forward into their adult lives, and be better citizens for it. We all know how hard it is to teach an old dog new tricks, so changes in attitudes about accessibility have to start where the children can best adopt them: in public school right alongside their peers in a regular class, not warehoused in special schools that lack the full range of human potential that a regular classroom evokes naturally amongst the children therein.

Why is it so painfully hard for public school boards to deliver services that accommodate, as specified by the laws and regulations already in place? Only strong enforcement measures like the legislative remedies afforded by the Ontario Human Rights Commission code, in conjunction with the recently released accessibility guidelines, are the reforms necessary to turn things around in public schools.

From first-hand experience, while loving and learning with Logan, and from my duties as the voluntary chairman of the local Easter Seal Society, of which Logan is the young ambassador, and from the good public work I do as the chief executive officer of Logan's Pony Club for children with disabilities with cerebral palsy, I have come to know of many cases throughout Ontario where school boards have failed to deliver the vital accommodations, both physical and attitudinal, that will allow special education students to be the best they can be, right alongside their peers in a public school classroom.

How will Bill 118 help Lucy Divizio's less-abled children, who continue to face the attitudinal barriers erected by the administrators and unionized staff at the Dufferin-Peel Catholic District School Board? These are accessibility barriers just as real and insurmountable as physical ones, not unlike those that a flight of stairs poses to a student in a wheelchair.

Under provisions of the Education Act, the special education act and the Ontario Human Rights Commission accessibility guidelines, each and every public school board in Ontario has a responsibility to accommodate individual special education students up to the point of undue hardship, and be able to prove it. This is the law and should be rigorously enforced by the Ministry of Education. As you know, school boards are creatures of the province, to be dealt with as the government sees fit.

0910

Besides being a Child of Courage featured in a past issue of the Ontario School Advocate and many other national papers, Logan, and our family's plight, helped develop the recently released Ontario Human Rights Commission

guidelines for accessible education. Not bad for an eight-year-old, eh? I feel honoured to be his mentor and his dad.

Keith Norton, the chief commissioner, personally invited Logan to the launch of the accessibility guidelines in Toronto, where he got a standing ovation after I addressed the chief commissioner on his behalf and for the 22,000 Easter Seals kids in Ontario who are trying to get a decent education. After the meeting, Mr. Norton told Logan that his presence in the room put the human element to everything we worked so hard to see come to fruition in the commission's guidelines.

Back then, Logan and I had faith that Keith Norton had heard our concerns and taken action when Logan was targeted for discrimination during a labour strike because he had a physical disability. The Hamilton-Wentworth District School Board refused to accommodate my son, even though the able-bodied kids were allowed to attend school. My son's right to access the public education system was trampled on. By the look of things, there will be another strike this September over more money and 200 minutes a week for teachers to prepare themselves for work—a job which they have already been fully trained and handsomely paid to do.

How will this new legislation protect my son from the usurious hand of militant education union presidents like Emily Noble of the Elementary Teachers' Federation of Ontario, who always puts the members' wants and needs ahead of disabled students like my boy? Will the federation's members be allowed to trample on my son's right to an accessible education yet again? Will I have to do the job myself in the classroom the best I can, like I did the last time the government failed to protect my son's right to access the public education system?

Perhaps including provisions from the Ontario Human Rights Commission guidelines on accessibility to Ontario's schools in the Accessibility for Ontarians with Disabilities Act will be the legislative remedy that will finally allow children like Logan to get an education like the rest of the able-bodied kids in a regular class, regardless of self-serving union contract language that is so pervasive in Ontario.

From what I have seen up until now, this has not been the case, despite the good intentions of your government and the hard work and perseverance shown by the honourable MPP Cam Jackson, the previous minister who was instrumental in making the original Ontarians with Disabilities Act law, which is the model for this present bill. If he is in the room today, Logan, Laurie and I salute you for the good public work you did, and continue to do today, when we consulted together concerning the provisions within the original Ontarians with Disabilities Act that we are improving today.

As you can see from the people in this room with us, there is consensus among Ontarians of all political stripes to see that we provide disabled Ontarians with accessibility to all the great things Ontario has to offer. We should be an accessible society that is "Yours to Discover" for less-abled Ontarians too.



Thank you for allowing me to have a say regarding Bill 118, the Accessibility for Ontarians with Disabilities Act, 2004.

**The Chair:** Thank you for your presentation. There is about a minute each for questioning. I'll start with Mr. Jackson.

**Mr. Cameron Jackson (Burlington):** Thank you very much, Mark, Logan and family, for being here today. I appreciate seeing you again.

Two quick questions. Clearly, you support the Ontario Human Rights Commission's accessibility guidelines to be built right into the legislation so they become the baseline for the standard. Is that correct?

**Mr. Whittle:** Yes.

**Mr. Jackson:** The second question, Mark, is that quite a few of the disability groups have already come forward to suggest that David Lepofsky, whose 166-page report includes a substantive number of amendments, be given standing before the committee to help it through the clause-by-clause process. Do you support us moving in that direction, to encourage getting all of these elements into this bill so that we do it right?

**Mr. Whittle:** I would agree with that too, because I know Mr. Lepofsky works tirelessly and I know him as a personal friend. I was part of helping him come up with some of those ideas. They are really heartfelt ideas from the disability community. Those issues that Mr. Lepofsky brings forward are issues from inside each one of us who has a member in our family who is disabled. So we take all those things in there very seriously.

Also, in my mind, I have to think of businesses and small companies who will have a hard time meeting expectations that are set too high. I have always told David that you have to temper our requests with reality, because it is very expensive to accommodate in some cases.

I know from my own experience where I live that the owner of the building spent over \$10,000 to put in a ramp so that we could have accessibility. I sold the idea to him by telling him, "Other people could use it: mothers who have strollers, people who are older. These are people who are on fixed incomes who will be paying their rent on time. They're quiet tenants. They're an asset to your building." He started to think that way, and he realized its importance, and how accessibility is not just for a disabled person; it's for everybody to use. He incorporated that in the building. Now, he's much happier as a result. He didn't mind investing the money, because he knew he would get an economic value out of it. If somehow we can think outside the box, we can help bring those businesses in along with the regulations that are coming in now. This would be a good thing.

**Mr. Rosario Marchese (Trinity-Spadina):** I appreciate your presentation. The difficulties that you and many other families face with children who have such a condition are very difficult ones. As a former teacher, 20 years ago, and as someone who's got relatives with children with severe disabilities, I am fully appreciative of the problems you face.

We have a provincial policy that says we should integrate students in the classroom. That's a good policy. But if we don't give those teachers the support that they desperately need in the classroom so that kids can be integrated, then it makes it very impossible. I got the impression there from time to time that you almost make it appear like it's the teachers' unions that create this difficulty, rather than a funding model that makes it difficult to provide the funds so the kids can be in the classroom and so the teachers can give the benefit of an integrated kind of approach. I agree with that kind of an approach, but I also agree that governments need to give the support so that that can happen. I don't think we have that support.

**Mr. Whittle:** You're right in saying that. I know what I had to do. I helped train the person we have now for Logan. I brought in experts who are already funded by other areas of the government to consult with the school board. What you have normally is a barrier that's built up, where the expertise that's already available and already funded by the province is not allowed to come into the school board to apply their skills and abilities to bring those teachers up to the speed you need to educate those students. That is the dilemma that's faced.

This is a contract issue. This is not an issue of somebody not wanting to do it. It's an issue of having something written down on a piece of paper that says what you cannot do or what you don't have to do, and not what you should try to do. The reasons for the guidelines for the commission were to try to clear that up. We're not interested in contract language; we're interested in accommodating that student above all other issues. That's what really has to come to the fore here.

It's unfortunate that so much animosity is created between unions and parents, but that is the situation they create with the way that they communicate with the public. I have no control over that. All I know is that, when I am in that classroom, my son needs to be accommodated and so do the other kids. People have to understand that that is a priority now. It's not about buying computers for staff; it's about accommodating that student.

**Mr. Khalil Ramal (London-Fanshawe):** First, I want to thank Mark, his wife, Laurie, his son, Logan, and grandmother Whittle for coming today to present to us their case and recommendations. I also want to tell you that we have an Easter Seal Society of London chapter that is very active. They play a pivotal role in our society in London in order to serve some people who have fallen through the cracks in the bureaucracy of the government.

I want to tell you today, Mark, it's people like yourself who can bring this issue forward all the time, who can create awareness in our society in order to solve the problems we're facing. I agree with you. We have a lot of problems. We have a lot of things, and even Bill 118 wouldn't speak about them totally unless we have people active like yourself, like your family, bringing this issue forward in order to create awareness in the government and in the people of this province.

I would just say, thank you very much for coming. Hopefully, your concern will be well-taken. We can note it and send it to the government, and hopefully we can do something about it.

**The Chair:** Thank you again for coming.

**Mr. Whittle:** We all have to have faith that things will be made right. That's what keeps me and my family going, and hopefully other people. I want to have faith in the government. I have faith in Mr. Jackson. He never let me down. I want to have faith now. That's why we're here, so I'm glad you invited me.

**The Chair:** Thank you again for your presentation.

0920

#### SPECIAL NEEDS COMPUTER SOLUTIONS INC.

**The Chair:** We are going to go to the 9:30 presentation if the people are present, Special Needs Computer Solutions Inc.

Good morning. You have 15 minutes for your presentation, sir.

**Mr. Craitor:** Terry, welcome. Why are you pulling a rope?

**Mr. Terry Scott:** Why am I pulling the rope? Have you tried pushing a rope?

I'm a disabled person. There are a number of issues I'm going to address quickly. I'm not going to provide any solutions, because I don't have the solutions. I don't envy any of you.

I don't know if you can hear the voice on this. This is technology that's available nowadays. It's new technology; it's not incorporated. There are a number of issues I'm going to go through, and hopefully I can stay on it.

I have a disability from a brain-stem injury. You know what? My brain-stem injury was in 1975. Ow. Mean anything? Yes, it means I still live with it. Can you see it? I live with it. Unfortunately—I'm trying to make this thing work too—there it is; that's all, from Sunnybrook Hospital, that was left. I denied it for 20 years. Then I went to look at it and that's all they had, one piece of paper. Nothing from Toronto Rehab. Nothing from either place. That was it, one piece of paper. I don't know what to say about that.

I'm going to make some suggestions from what I read of Bill 118.

*Audio-visual presentation.*

**Mr. Scott:** I'm not going to bore you with listening to every speech right here.

Access is not the main problem of having a disability. Having the correct accommodations for my disability is the key—and everyone's disability is unique—so that I can live and function within our society on a more equal basis. I don't want special treatment because of my disability. It makes me and my disability the focus. I don't want to be the focus. The focus is upon my ability to function competitively on any given task. The focus is

upon providing some relief for the limited activities of daily living because of my disability.

The focus must be on equality and ability. The things I need help with, some things that I need assistance—I know my limitations. I make adaptations for them. I can't do this, but I can do that. Why does society discriminate against me because I'm a victim of something that was out of my control? I didn't choose for a boat to run me over. I didn't choose for any of this stuff that happened to happen.

In the present reading, a disability is defined nowhere. Who defines an individual with a disability? Who defines the severity of any disability? In their simplest form, disabilities fall into physical and mental disabilities. These are both addressed in the further reading. A disability impedes the activities of daily living. There are medical professionals in many specific disciplines of these disabilities. Ought we not to appeal to these trained and qualified professionals to define a disability and the severity of each disability? What about multiple disabilities? Very few people have single disabilities. They do kind of run in groups, making everything very complicated. A person with a disability seldom has one disability.

The attitudinal barrier: You can't measure an attitude, but you can measure behaviour. Behaviour can be quantified. I don't have an answer for that.

There is an option in what I read of the recovery of the administrative costs. No real penalties; no teeth in the bill at all. No bite; no penalty. We'll get along with it anyway. We don't want to create a paper nightmare. We want to provide solutions, because solutions are the key.

One of the issues that I see of access in the bill is backwards compatibility. How do you make something that you inherited from your predecessor, something that's been there for a long time, accessible with today's technology and today's understanding of what we can do now? It's difficult. There is no simple answer to that. I don't envy you at all. Again, that's restricted by financial resources.

The bill doesn't at all address transportation for one individual to get from one place to another. I've got one person I often transport, [Inaudible] my ability to transport him, half an hour away. He's blind. He can't drive, and there is no transportation to Port Colborne. It's pretty hard for people. He has a job there. He can work. I can actually pay him, doing work. He can't get there. It's very difficult. I don't have answers.

There is a problem with the ODSP level right now, when you're limited to how much money you can make. It's a system that's self-perpetuating. It doesn't provide the incentive to get off the system. There are a lot of unknowns about ODSP, what works for the clients with a disability themselves, who have limited understanding, limited problems, and the people who work as service providers such as myself. There is a problem with that right now. There is no clear delineation. There are 10 or 12—I don't remember the exact number—different areas of ODSP regions across the province. They all do things differently. Every one is a little bit different in how they



operate and function. I've talked to a number of the providers and program managers in each of the divisions, and every one is a bit different. There is no standardization.

This is part of the discrimination, because there is a limit through employment to ODSP income supports, where you get your monthly income of \$950. You can earn 15% of that; anything more than that is capped back. That's a problem. But if you're on ODSP employment supports and want to work for somebody else, there is no limit to how much money you can access through the government. If you want to work for yourself, because of your uniqueness and your disability, there is a cap of \$5,000 that's available to you. Those two don't make sense. I don't understand a lot of the things.

More about the differences of ODSP offices:

*Audio-visual presentation.*

**Mr. Scott:** When I worked for World Vision, we talked a lot about the poverty cycle and what's going on overseas in the starving countries. People can't get off if they go from hand to mouth. The food goes hand to mouth; that's all they do. It's the same thing when you're limited. You don't have the incentive to move. You're going to get penalized if you try to better yourself. I was very fortunate, for I have a very fortunate family. I didn't know any of this stuff. It wasn't available. I found out about ODSP well over 20 years past the fact, closer to 30 years after the fact, that these programs were there. Sure, they were called something different.

0930

*Audio-visual presentation.*

**Mr. Scott:** Recommendations are only proposed; I don't have answers. We need to educate the public that it is the client choice. They have the choice of what is going to be best for them. Of course they're not going to have full faculties amongst themselves. Having a disability, they need help and guidance.

I propose that you have qualified assessors. I'm grabbing some procedures from ODSP and ADP, trying to intermingle them in my presentation of what I think would be best. If we had qualified assessors, they would only assess people, with medical expertise, what would be best for them.

A client wants to work: "Mark is blind; he can't be a taxi driver" is kind of obvious, but there are a number of things he can't do. There are a number of things he can do. So I would recommend qualified service providers who are trained and educated and have expertise in what they do.

There are a number of organizations that have been around for a long time. The one-stop shop is great, but a client is there and they like the comfort of it there and they go through it. But is that best for the client? I don't know.

**The Chair:** You have another two minutes, for the total 15 minutes. You can use the time as you please.

**Mr. Scott:** There are a number of different ministries, about eight of them, that I counted quickly that deal with disabled people. Why don't we bring them all together

under one roof? Keep everything together instead of everybody competing. It's all coming from the same funds somewhere and they're competing. Is that best for the client?

How about an Ombudsman? I can't say that word. We don't have that right now. I think that would be of great benefit for disabled people.

*Audio-visual presentation.*

**Mr. Scott:** I appreciate your time. I don't want it to be a complaint session. I've been through a lot. I can't even come close to describing what I've been through and what I see right now, the other side of the issue.

Technology: It took me a year to get this into this government system through ADP. Can it help somebody right now? Sure, it can. It's taken a year to get it through. Technology changes so fast. Why don't we take advantage of it?

**The Chair:** Thank you, Mr. Scott. You did give us material for your presentation, so we will receive that and your comments. We thank you for your comments and for being here this morning.

We'll move on to the next presenter, if they are present. Is someone from the Autism Society Ontario present? We have one cancellation. That's why we have some extra time.

## ONTARIANS WITH DISABILITIES ACT COMMITTEE

**The Chair:** Is someone from the Ontarians with Disabilities Act Committee present? Would you please come forward, madam? Sandra—that's what is written. It's a name I am familiar with. Good morning.

**Ms. Sandra Bird:** A very good morning to you all, and thank you for coming to Niagara Falls.

Cam Jackson, it's wonderful to see you again, sir. Thank you for all you have done.

Kim, we couldn't have done it without you, my friend. Thank you so much.

My name is Sandra Bird. I am a proud member of David's team for Bill 118. I also serve on the mayor's accessibility committee here in Niagara and the regional accessibility committee for the region of Niagara.

I was just given this as we came in, and I am so thrilled with it. I am actually talking about intermunicipal transportation. We had to have a two-thirds majority to try to get a mobility system up intermunicipally. A West Lincoln vote tipped the balance in the project's favour. So we really have a chance now, working with all the communities, to get this going. I hope it's going to be a go.

Paratransit is the number one concern of any disabled committee. There is municipal transportation available within our city limits, but it is within city limits. Niagara Falls does not have accommodation for wheelchairs on the regular transit system, but Niagara Transit runs Chair-A-Van.

Most surgeons, specialized doctors and services are located in St. Catharines. With changes in the health system at Hotel Dieu and Shaver, treatments may be

transferred out of St. Catharines to other areas in the region.

It is very difficult at the moment to even get enough accessible transportation to get our committee members to the regional Niagara headquarters for our meetings.

Mobility Niagara was implemented through a grant by the region a few years ago due to the demand. They did not realize how much this service was needed, and unfortunately had to discontinue it after a period of one year. I myself have experienced the financial hardship of not having this service. After being discharged from the Hotel Dieu Hospital, an ambulance was called. I was charged \$75 because I had to travel back home by ambulance. If Mobility Niagara had been running, I would have paid just \$40 to come back. Because I needed to get myself and the wheelchair back to the hospital, that would have cost me \$20. That is \$40, not \$75.

We have been told there is an additional cost to the region when an ambulance is sent out. While preparing this presentation, I wanted to get current figures of costs travelling by Wheel-Trans taxi. The cost from Niagara Falls to St. Catharines return is \$52. If you don't have special insurance, the ambulance is \$95.

As I mentioned, with the changes in regard to Hotel Dieu and Shaver in St. Catharines, it may mean that services will be transferred to other Niagara Health System sites, which would mean that persons with disabilities in St. Catharines would have to travel out of St. Catharines to the other areas. If persons have to travel to appointments several times a week, it costs a lot of money. People are on fixed incomes and they cannot afford it.

Having intermunicipal transportation would certainly be more affordable and less strain on the ambulance system and would ultimately save money for the health system.

0940

We keep hearing about the new superhospital being planned. Am I wrong to assume that they want to replace the aging general hospital, Hotel Dieu and Shaver, looking down the road for a regional cancer centre, which is certainly needed in the Niagara region?

The provincial gas tax was to be used to upgrade transportation systems. I fervently hope that intermunicipal transportation for persons with disabilities will be considered, as it would be a saving to the province's health system and persons on fixed incomes. Intermunicipal transportation must be included in Bill 118. We simply cannot wait until 2025 for intermunicipal transportation to be implemented.

I also wish to comment on guide dogs and specially trained service animals. This act does make mention of this but doesn't really express the need for the animals and that they are as much a part of a person who needs them as someone needing a wheelchair or cane. They are just as important and must be recognized by the public sector. Also, they must be allowed to travel on public transit and specialized transit.

Thank you for allowing me to speak to this. I will be very glad to answer any questions you may have.

**Mr. Marchese:** Thank you for highlighting some of the difficulties that people with disabilities face.

**The Chair:** Two minutes each.

**Mr. Marchese:** It's important to hear the personal stories of people with disabilities, the financial hardships, the social burdens and/or the restrictions they face in society and the very incredible psychological difficulties they have to face in general.

This bill obviously is something that is very useful in terms of how it addresses the concerns that people with disabilities have. In my view, there are weaknesses in the bill that could always be improved. One of the weaknesses of the bill in my view is the 20-year time frame. Although there are five-year cycles for standards committees and accessibility committees to be able to report, in my humble view, that is a very long time to achieve the kind of equality that people are seeking.

It is my contention and the contention of many that we could reduce those cycles. Instead of five-year cycles, they could be three-year cycles. If we did that, then the whole term of dealing with what we want to get to would be 12 years rather than 20. It seems to me a more reasonable time frame to achieve what we want, rather than dragging it out interminably. If we did it every three years, governments would have to literally do something twice, that is, in the first three years, and then begin the second cycle while they were in government. It seems to me to be fair and reasonable. What do you think about that?

**Ms. Bird:** Maybe for some things, but for transportation, we needed it years ago. We need to have that implemented right away, as soon as possible. Transportation is mentioned in the bill. Intermunicipal transportation—if the bill actually said, "All means of transportation needed by the disabled must be in place," it would have to be done, and as I said in my presentation, it would save money. We are not out to try to cost people money; my gosh, we're trying to save people money. We know the problems the health system has right now and we know the strain, but with what is happening in the Niagara area, as I said, with the cancer centre and also with the hospital, people now are travelling three and four times a week for kidney dialysis, for cancer treatment, on fixed incomes.

For instance, I'm in the process now of trying to get ODSP. I have been turned down four times, because I can feed myself and I can talk on the phone. I do a little bit of volunteering, but with my present medical condition, even that is a bit of a hardship. I love to do it. This is my passion. This is something I really feel good about. But if I have to travel—I only get \$420 a month. Half of that goes to rent. Do the math. So if I have to travel to and from—fortunately, I have a lot of people who are willing to give me rides, but you can't expect them to—gas is not cheap and you do have to make some repayment to those people for being very kind. But as



you can see, that deletes my money. And I'm not saying, "Poor me." There are a lot of people in the same position.

**Mr. Craitor:** First, Sandy, before I make a comment, I didn't have a chance to just say to Terry, thank you for your presentation, Terry. I still remember you were one of the very first people who came in and sat with me to talk about disability. I learned a lot from the time we spent together, so thanks.

Sandy, I just wanted to say to you that one of the most positive things I've learned about the bill—and I think it will help us in this community with intermunicipal transportation—is the fact that there are no standards in this bill or in the process. All of us around this table want to expedite the process. I know we see 20 and 25, but the goal is to get it done much quicker. By setting standards in different categories, by having a standard in place in the area of transportation, it means that transportation will have to be provided, and the standard will be set by those from the disabled community, from the private sector, from government agencies. They will set a standard for transportation, and I think that will help drive intermunicipal transportation even here in our own community in the Niagara region. As I said to you, right now there isn't anything, and all the people in this room know how difficult it is to move around throughout the Niagara region.

The final thing—you echoed it, along with Terry, and I've heard it from many people—is the ODSP. Terry, I was just talking with Jeff and he's going to make sure your presentation and some of your comments go to the parliamentary assistant to the minister, Deb Matthews—as well as yours, Sandy—to see if there's a way to improve it. Another person, Jacqui Graham, is here. I know she has put together a brief and it has gone up to the minister's office as well. So thanks just for taking the time to come out and participate.

**Ms. Bird:** My pleasure.

**Mr. Jackson:** Sandy, good to see you again, and thank you for being here. I have two very short and quick questions for you.

The challenges in Niagara are unique, probably more unique than anywhere in the province, because you have so many municipalities with so many transit systems. Only a handful have actual paratransit and they're not connected. Part of this problem is the fact that upper-tier municipalities don't have control over transit and lower-tier municipalities do, and there's no political force pushing them to the table and saying, "You must co-operate and provide service." So my question is this: Before the government gives, whatever the price tag is, I think it's almost \$1 billion or more, of gas tax money to the municipalities, do you feel that money should go with a condition that they must integrate their transit systems and they must make paratransit a priority?

**Ms. Bird:** I would say yes, they should. But what we have been told with our Niagara Transit—and they are marvellous because we have the van system. We have asked Niagara Transit, "Would you be willing to incorporate wheelchairs and everything on regular transit

buses?" and the answer from Terry was actually that it wouldn't be any more cost-effective for them. It would ultimately cost them more money. They are strapped now. That's why they would rather stay, he feels, in this area just with the specialized transit, the paratransit system that we have now.

**0950**

May I also say that Mr. Librock was very kind, and for anyone from Niagara Falls coming on paratransit today, it was free. So I do thank him very, very much for that. They've always been very co-operative with us.

Another area—and I'm not neglecting to mention this, because I know you're going to be hearing from other people: Niagara Falls is tourism. Someone coming to Niagara Falls in a van or something themselves, that's terrific. But if someone comes in and needs to get from point A to point B, there isn't any system within the parks to take people around, unfortunately. But that is the case right at the moment. I didn't really want to get into that because I have a colleague who will be most eloquent in what she will have to say later on today.

**The Chair:** Thank you very much for your presentation, Ms. Bird.

## AUTISM SOCIETY ONTARIO

**The Chair:** We'll move on to the next presenter. If Autism Society Ontario are here, would they please come forward.

Madam, please have a seat there. You have up to 15 minutes for your presentation, and if there is any time left, there will potentially be questions asked. Ms. Orvitz, I would ask that during your presentation you moderate your pace so that all the people in attendance are able to understand and appreciate the presentation equally. You can start any time.

**Ms. Flavia Orvitz:** My name is Flavia Orvitz. I'm representing the autism society. I'm the president of the local chapter of Autism Society Ontario. I'm here to inform you of what we consider as barriers to have individuals with autism spectrum disorders fully included in our community.

I would like to tell you a little bit about us. Our vision is acceptance and opportunities for all individuals with autism spectrum disorders. Our mission is to ensure that each individual with autism spectrum disorders, or ASD, is provided the means to achieve a quality of life as a respected member of society. Our key areas of focus are advocacy and support, research, best practices, government relations, public awareness and governance.

It is estimated that between 20,000 and 70,000 people in Ontario today have some sort of autism spectrum disorder. It's one of the most common developmental disabilities, with prevalence as high as one in 165 people. The number of people who are being diagnosed with ASD continues to increase dramatically.

The nature of autism spectrum disorder: While it's a hidden disability—it's not readily visible—all people with ASD have problems in the areas of social interaction

and communication skills. However, there is a wide range of ability levels among individuals with ASD; therefore, they need individualized programming in education or elsewhere. The challenges in communication range from mild to severe, with approximately one third of individuals with ASD remaining non-verbal throughout their lifetime. A majority of people with ASD have a significant level of cognitive impairment, although those with Asperger syndrome have more normal levels of cognitive functioning.

The barriers for people with ASD that we have identified: Regardless of their functioning level, people with ASD face significant barriers to participating in the mainstream of Ontario life.

The things that other people take for granted yet remain elusive for people with ASD include appropriate education, employment, leisure activities and supported or independent housing for adults. On appropriate education, many times, even the children who are mainstreamed or integrated do not get the specialized curriculum they deserve. They're plopped in the classroom and a lot of times are expected to learn incidentally.

Leisure activities can include something like the Infinity Playplace that was supposed to be a new concept to be inclusive of everybody with every disability. Unfortunately, to people with autism spectrum disorders, it's just another park where children cannot be left to play unsupervised. Perhaps if it was fenced in, then we wouldn't have such a concern of the children running out into the street. That's just an example.

It is our view that much of the current legislation, including the ODA of 2001, does not adequately address the needs of people with ASD. So what I ask is, how will the ODA make a meaningful difference in the lives of people with ASD? The ODA overwhelmingly addresses barriers in terms of physical barriers because, obviously, they're more visible, but there is little emphasis on the types of attitudinal barriers and policy barriers that constrict the lives of individuals with autism spectrum disorders.

In order to make Ontario a barrier-free place for persons with ASD, changes need to be made to government policy in four key areas. The areas we've identified as being key are housing, day programs, the Ontario disability support plan and education.

With regard to housing and residential services, historically, most children with ASD were institutionalized at some point during their childhood. This is no longer the case. In the 1950s, deinstitutionalization came into effect and the parents were expected to look after the children in their homes, but without sufficient funding to gain those supports. So the reality is that most children with ASD remain with their families throughout their childhood and, very often, throughout their adulthood. The majority of adults with ASD are not able to live independently and many of them continue to require a high level of assistance with basic activities of daily living such as dressing and personal hygiene.

Adults with Asperger's syndrome, a higher level of functioning but still within the spectrum, are more able, but are still unable to manage the more intricate aspects of independent living such as household budgeting or maintenance. They are unable to develop social relationships that are necessary for functioning in society. They have challenges in understanding the motivation and intentions of others, and that impacts their daily interactions and can affect such things as paying bills, dealing with salespersons or just generally shopping.

Developing and maintaining relationships is crucial to success in independent living and is a significant barrier for individuals who are cognitively impaired. Because of this deficit, a lot of individuals grow up without having real close friendships and they feel lonely and are very susceptible to depression. A lot of children, once they start to reach their puberty years, are more aware of their differences and they start to realize that they are different, and they feel alienated. A lot of them, unfortunately, fall into depression and are very suicidal.

The supports that are unavailable: There is currently a waiting list of many years to access residential services across the province of Ontario, and that is for individuals with ASD or otherwise. Many adults remain in crisis in their family homes for many years. There are many adult parents who are over the age of 65, they're often in poor health and are looking after their adult children. When both parents are deceased, the adult with ASD is generally moved into any available residential placement, and that may include a locked ward in a psychiatric hospital. It can be a long-term-care facility for seniors. These could be adults in their 20s and they're placed in homes with seniors. It's not very appropriate.

#### 1000

If the goal of the ODA is to encourage meaningful participation of people with disabilities in this community, then it must do the following: It has to address government policies that fail to provide adequate residential and housing services. It should recognize that appropriate housing and residential services for adults with ASD are essential if these adults with ASD are to be participants in the community.

A range of residential support options should be available to individuals with ASD. Some higher-functioning adults can function fairly independently and they may just need supported independent living. Some adults will require one-to-one care for most of their lives in a very highly structured environment.

Examples of some Ontario excellence in residential supports for adults with ASD include Woodview Manor, which is in Hamilton; Kerry's Place Autism Services; certain placements within Community Living Ontario. Some families have creatively supported their adults through individualized funding. We don't have anything in the Niagara region. Unfortunately, at Woodview Manor, which is the closest to us, there's also a waiting list. It's a good facility, but there's just not enough space for everyone.



The importance of appropriate housing for adults cannot be underestimated. The lack of appropriate adult housing precludes full participation in the community not just by the person living with ASD but the elderly parents of the adult with ASD. What we need are more day programs. Currently we have adults leaving school at the age of 21 and they have nothing to turn to. They cannot hold down a full-time job, or even a part-time job for that matter, because of their disability, and they have nothing to do during their days and they're bored. This just reminds them how much they don't fit in, and once again they fall into a role of depression. Day programs are very important.

Government policies must not fail to provide adequate funding for community support agencies. There are some agencies out there, but they don't have enough funding to continue or expand their programs. The programs that they have now have long waiting lists for many years and many service agencies provide services only for their clients who are receiving residential services. If they're not in the residential services, they don't get services. There's nothing like an outpatient sort of service available to these individuals who want to continue living at home.

The Ontario disability support program: The level of financial support received through ODSP has not changed substantially in the last 10 years. This lack of increase has increased financial hardship for persons dependent on this funding, and it's created more barriers to participation in community activities for people with ASD.

The policy of decreasing the ODSP as somebody gains some part-time income actually penalizes them by reducing their ODSP. A lot of these people may work for a couple of weeks, their ODSP gets cut off and then suddenly they lose their job because they just cannot work in that environment and then they face financial hardship because their ODSP has been reduced. In fact, it should be a reinforcement. They should allow a little more time to see if this person is successful in their working position, perhaps six months to a year. If it's pretty stable, then I would say cut it back a little bit, but don't penalize them for making an effort to participate in their community.

Adults with Asperger's syndrome face very unique challenges to employment. These are the ones who can actually probably get through the interview, but then their sensory issues and other things get in the way and they just can't hold down that job. They may have some valuable employment skills, because their IQ tends to be either average or above average, but they still need assistance in obtaining and keeping this job.

The ODA could recommend some guidelines and procedures for ODSP which would make it more meaningful for the adults with ASD.

The ODA could also work to alleviate these problems by helping companies to understand these invisible disabilities. People with ASD would benefit from programs that would help them to understand their rights in

terms of employment and discrimination. Funded programs that include job interview assistance and job coaching would be valuable as well.

The ASO's submission to the Human Rights Commission in October 2003 identified four major barriers to appropriate special education for children with ASD. The first one is the appeal process under the Education Act. The second one is the lack of knowledge of the disability and the lack of specialized training on the part of the staff on how to effectively work with and teach students with ASD. The third is a funding formula for special ed. that discriminates against students with ASD. The fourth is the enforced short- and long-term absence from school for many students with ASD, which also creates a barrier to education. By that, it's the constant suspensions or withdrawals from school.

What we recommend as solutions for these is that the Ministry of Ed. and school boards must operate under the statutes, regulations and codes that are meant to protect Ontarians with disabilities. In the even of non-compliance, parents should have a meaningful recourse to a remedy: A timely and just process that will ensure the student's progression through the school system.

**The Chair:** Thank you, madam. You have just gone over the 15-minute limit. I thank you for the presentation. We have some material that you left with us and we thank you for both.

**Ms. Orvitz:** Thank you very much for your time.

#### ST. CATHARINES AND DISTRICT LABOUR COUNCIL

#### JOINT ACCESSIBILITY ADVISORY COMMITTEE OF LINCOLN, WEST LINCOLN, PELHAM, THOROLD, NIAGARA-ON-THE-LAKE AND GRIMSBY

**The Chair:** The next presentation is St. Catharines and District Labour Council, please.

If I can remind you, it's 15 minutes for your presentation, if you can keep that in mind. Thank you very much. You can start whenever you're ready, please. Good morning.

**Ms. Suzanne Hotte:** Good morning. I'd like to thank you for the opportunity to present today. On my right I'd like to present Donna Herrington. She's with the Joint Accessibility Committee of Lincoln, West Lincoln, Pelham, Thorold, Niagara-on-the-Lake and Grimsby. This committee plans for a group of over 100,000 people. I am Sue Hotte, president of the St. Catharines and District Labour Council.

The St. Catharines and District Labour Council represents 36 union locals and 15,000 unionized workers in the area north of the Niagara Escarpment, stretching from Niagara-on-the-Lake to Grimsby. We have long been involved in many economic and social issues in our communities. We try to improve the lives of all who live in our communities. We do this through collective bargaining and working for legislation which improve

living and working conditions, and working closely with community groups such as the advisory groups for persons with disabilities. We welcome this opportunity to speak to you today.

According to Statistics Canada, 13% of Ontarians have a disability. In Niagara, the percentage is much higher due to our demographics. We estimate that there are over 70,000 people who have a disability in our area. It is, therefore, of utmost importance that we have strong legislation which will change the status quo and help improve the quality of life for Ontarians living with a disability.

1010

We are pleased with the bill, as it will help to create fully accessible communities. We do, however, have some concerns that the bill will not achieve its stated objectives unless some key changes are made, and we would like at this time to draw your attention to some of its major weaknesses and offer our views on how some sections could be changed.

I'd like to pass this on to Donna now, please.

**Ms. Donna Herrington:** I'd like to begin by thanking you, as others have, for coming to the Niagara region. We do not often get an opportunity to meet you face to face, and we thank you for that.

To start with, the joint accessibility advisory committee, which I work for, is in agreement with any legislation that will help create fully universally accessible communities. However, we believe that the use of exemptions as a form of incentive for compliance is contrary to the purpose of the legislation and will only serve to create further barriers for people with disabilities. It also suggests that certain disability barriers are more important than others.

As an example, if you say to a required agent that you must comply with physical disabilities, but you don't have to deal with policy disabilities, as an exemption, you're actually creating disabilities for further communities within the disability community. So we have issues with that.

Also, we believe that once physical access standards are created, they should be included as a mandatory section of the Ontario building code. We believe the code should be modified and revamped and should be the means through which physical standards are enforced.

Finally, we believe that a new, separate public entity or agency should be created to enforce this new legislation. Enforcement should be a provincial rather than municipal jurisdiction situation. Municipalities do not have resources or expertise across the board to fully implement this legislation to what your vision is. We also believe that a public entity will ensure transparency and public accountability for its actual enforcement.

I'd like to pass it back to Sue.

**Ms. Hotte:** Some of the major concerns we have: First of all is looking at the role of unions. We have been fighting to end discrimination against persons with disabilities. We have a great deal of expertise in dealing with issues of return to work and modified work. We

have developed workplace accommodations required by our injured workers. The proposed legislation should be amended to allow unions to be involved at every stage of the process.

In looking at the process, we need a process to allow us to bargain accessibility plans in all workplaces. By becoming accessible, workplaces will enable people with disabilities to have real employment. If there's a process similar to the Pay Equity Act of 1987 in place, accessibility plans would be bargained for in all workplaces, making it possible for people with disabilities to have real employment opportunities. Furthermore, no workplace should be exempted.

We're also looking at the timelines. The timeline of 2025 is too long. Why should persons with disabilities wait 20 years for full implementation? The accessibility standards can be developed in less than 20 years. The bargaining process should start immediately, thus ensuring that important remedies can be achieved as fast as possible. If we start making changes now, once the standards are adopted, it's easy to review the plans and modify what needs to be done.

Another thing we were looking at is that we need to make sure there are amendments ensuring union involvement. We have a list of recommendations dealing with part III of the accessibility standards. I won't at this time read the section, but would just outline that there has to be an accessibility plan for each bargaining unit and an accessibility plan for that part of the establishment that is not in the bargaining unit.

The next thing we're looking at is section 12. There's a large and continuing investment of time and energy that will be required in order to develop meaningful accessibility standards. The bill should provide for payment of expenses or indicate if remuneration is authorized. Furthermore, it must address the diversion of scarce resources and costs that disability organizations will experience if their staff or members participate over a long period of time. We must support them to ensure that they are part of all the different committees.

The other thing we're also really looking at is the purpose clause. A purpose clause in a statute is critical to its interpretation. The purpose clause in Bill 118 does not match the purpose expressed by Dr. Marie Bountrogianni on October 12, 2004. She explicitly stated that the bill, if passed, was to help remove barriers to persons with disabilities. Bill 118 states that the purpose of the bill is to benefit all Ontarians. This is anti-discrimination legislation and is not a general statute to benefit all Ontarians. Our recommendation is that section 1 be revised to clearly state that the purpose of enacting the bill is to remedy the systemic exclusion and discrimination that persons with all disabilities have experienced and continue to experience.

**Ms. Herrington:** I just wanted to add to that piece that it's very important for the legislation to be cross-disability-based. What I mean by cross-disability is that it involves all disability experiences, whether they're physical, mental health, learning, cognitive, visible or



invisible. You've heard that from others, and I'm sure you'll hear it again. There needs to be a true understanding and a true implementation that it involves everyone and that everyone's needs are equal. I think that needs to be more clearly stated. From the advisory committee's perspective, we feel that needs to be more clearly stated in the legislation, because it isn't so now.

We also believe there needs to be a better definition of what it means to be accessible. We do believe that the creation of standards will work toward that, but we need a better definition. There's been a lot of talk about the definition of "disability," but very little talk about the definition of what it means to be accessible. I think there needs to be more work in that area as well.

**Ms. Hotte:** The other item that I want to draw your attention to is the regulatory powers to exempt from the application of the act. As far as we are concerned, there should be no exemptions, because it's contrary to the purpose of the act. The way the bill reads right now is that the Lieutenant Governor may make regulations "exempting any person or organization or class thereof or any building, structure or premises or class thereof from the application of any provision of this act or the regulations." Definitely, this section should be deleted. There should be no exemptions.

In terms of subsection 6(3), "to the public," we think it should be clear that accessibility standards made under Bill 118 will apply to organizations that have membership criteria—for example, private schools, fitness centres—or organizations involved in design, manufacturing and construction who do not provide their services directly to the public. Once again, "to the public" should be deleted from the section. The act should apply to everyone. There should be no exceptions.

In terms of inspections, the bill should clearly state that the minister shall appoint inspectors, that there will be inspectors. It's not a question of maybe there will be or maybe there won't.

The second-last thing I'd like to draw your attention to is the Accessibility Standards Advisory Council. It's very important that this should operate at arm's length from the Ontario government in that it has the opportunity and should be able to take action without first requiring a request from the minister.

Last but not least is a section that we think is important dealing with the Ontario building code.

**Ms. Herrington:** I've already alluded to the importance of using the existing code by revamping it so that it is a mandatory section of compliance. This will also impact how buildings are designed and that they will be designed for function as opposed to minimum standards. I'm sure you've heard this before and I'm sure you'll hear it again: the importance of moving beyond minimal, physical-only standards in the Ontario building code. We need to move beyond that in order for this legislation to be implemented effectively.

**The Chair:** Thank you for your presentation. There is no time left for questioning, but thank you for coming.

JOHN LA BERGE

**The Chair:** Our next presentation will be from John La Berge.

*Interjection.*

**The Chair:** OK, we'll wait. Is John La Berge present? You are. You can have a seat in the meantime, sir. We'll wait until they are ready. Maybe I can just remind you that there is a maximum of 15 minutes for your presentation and potential questions and comments from members, if you allow the time. Also, when you make your presentation, keep in mind that there is some need for all of us to appreciate it.

We certainly are ahead by about eight minutes. The reason is because one person did not show up this morning. We must wait until they are ready, but we are not really—

*Interjection.*

**The Chair:** I know. I am only trying to explain to everyone that we will be able to keep to our scheduled time if it's going to be ready within the next seven minutes or so. So hopefully it will just take a minute or two.

Do you have any questions for us in the meantime, before the presentation starts?

**Mr. John La Berge:** My presentation is mainly questions.

**The Chair:** Well, then we'd better wait for that. Maybe we can have a coffee or stretch our legs for a few minutes, if anybody wishes to. Let's recess for five minutes or so. If it's ready sooner, it will be announced.

*The committee recessed from 1024 to 1058.*

**The Chair:** Thank you for waiting. Now that we are ready to proceed, I would like to remind all of you that this is the standing committee on social policy and we are here, of course, to hear your presentations so that we, the minister and the entire House at Queen's Park will be able to make some decisions that will affect all of us directly or indirectly.

We will allow every presentation 15 minutes, as I said earlier. The presenters can use the 15 minutes to make their presentations, or if there is any time left, the members will be able to ask some questions.

I want to remind you, though, that we do have cameras to show the province what we are discussing today and we also have people who are translating, to make sure that everyone has an opportunity to understand and potentially participate in this debate in their own forum. So please appreciate that.

I think we can start with our next presentation. My watch says it is 11 o'clock, so you have about 15 minutes for your presentation, sir.

**Mr. La Berge:** Thank you, Mr. Racco. I thank your committee members for allowing this presentation to go forward. My presentation will consist mainly of questions that are not, I believe, addressed by the aspects of the law.

I will start with paragraph 1. Access is to extend to the provision of services or employment. I see no reference

to meaningful, gainful employment, whether salaried, commissioned or self-employment. Will Bill 118 support access to re-education or retraining for any of these, which lead to quality-of-life issues? Will high-functioning, high-intellect adults having an acquired brain injury and/or comorbid conditions continue to be forced to seek access to these necessities or rights on their own?

As this is framed, I perceive that Bill 118 limits right to access to society's benefit to a state solely responsible for assuring mechanical entry to buildings, public or private, for persons utilizing, for example, powered chairs or similar devices.

This act refers in limited forms to the protection of aspects around life and the quality of it. Given the near secrecy attached to Lyodura and its consequences for the disabled, what assurances about equal attention to quality of life—for example, internment—will be included in Bill 118?

My next item is in regard to definitions and informational barriers being a contravention. Will the hodgepodge of regulations that exist across the province regarding levels of assistance available to persons with disabilities—for example, social service or Ontario disability support programs—continue to be operated or managed in an atmosphere of secrecy, offering little information about what is available or what are the requirements to apply for the benefits of either? That process is bewildering, as it is kept that way and demonstrated as kept that way through the persistent practices and pervasive attitudes of front-line staff, case workers and managers of each agency. The attitudinal barriers of staff and management, or both, have been described as being finely honed passive-aggressive psychological intimidation, which is especially prevalent in ODSP staff and management practices. The Ontario Human Rights Tribunal makes a mockery of appeals of that process, which would normally be available under law to the non-disabled person or persons for whom benefit of legal representation is an affordable expense.

The concept and effects of brain injury are neither addressed nor defined. More often, an ABI, or acquired brain injury, is in and of itself neither quantifiable nor visible. An ABI is also an incurable disability. Its effects may be identified and addressed. It is a disability which can, under present legislation, be considered equal to mental incompetence. Persons having an acquired brain injury have, in a strict sense, no rights under the law other than those of the Mental Health Act, if they exist. A refusal to consent to a course or courses of treatment is not available for the owner. Objections to those courses is also not available. The rollator affair of the 1990s has remained unaddressed by medical, legal and other professional bodies, especially provincial and federal Legislatures.

I will continue with the definition. It is not inconceivable that persons trained in that despicable practice continue to address the main and comorbid distresses of disabilities attached to brain injury. Yet they still practise those inhumane but still illegal medical

procedures or techniques in one form or another. The ABI owner, a guardian or caregiver has little or no practical recourse or redress when medical error by technique or philosophy results in further injury to a person with a disability. Where does Bill 118 address that aspect of quality of life and, under section 3, require that existing legislation—if it is a benefit of it—is available?

Under paragraph 3, a brain injury often leaves a portion of the brain, bluntly put, dead. That portion now being declared dead, under current law, renders the person legally incompetent. By definition, that also describes mental retardation as a disabling disorder or condition. Persons with an ABI are employed in legal, financial and educational positions. This contradiction will, through Bill 118, create a new and very discriminatory category of disability. I object to being included in a class of persons labelled as mentally incompetent to form and express cognitive processes. I have, despite having 25% to 40% of the right side of my temporal lobe excised due to an auto injury, an IQ of 140-plus on the Wechsler scale. I do not fit the category of a person with a mental retardation condition.

Under part III, subsection(8)(2), how and when, or where, will persons identified as having an acquired brain injury, or an agent of the same, be advised that a standards development committee member position will or has become available or vacant? I see no reference to the composition of such committees specifically referring to this aspect of disability. Accessibility to members of generally available knowledge of sittings of such committees, which would be posted, is also absent, other than the dates on which reports from the same are due to the Legislature and the public.

My closing remarks are these: Under quality of life, access to conveniences in society is stressed by this bill. However, access in the form of physical entry requires, for example, the use of entry to a facility or free movement within upon gaining entrance, including freedom from the fear of injury, assault or other issues. Persons providing installation service and repairs to, for example, the door locks, which many people do open—even with the advent of lever locks, which are fortunately available to persons with disabilities. However, as consequences have proven, there are no standards for competence and training for such positions. The Ontario government spiked, if you will, Bill 40.

There are many records of assaults, sexual assaults and sex crimes which occur in the non-disabled community. Those are reported. How many to persons in the disabled community are left unreported? That aspect, I believe, is not addressed in the act.

Thank you for permitting me to address this committee.

**The Chair:** Thank you, Mr. La Berge. If there are any questions, we do have two minutes each, and I will start with the Liberals. Any questions?

**Mr. Ramal:** Thank you for your presentation. I know you raised a lot of questions. One of them was about employment and education for a person with a disability.



I believe the intent of the bill, the aim of it, if passed, is to make all workplaces accessible for persons with disabilities, and also all schools and private and public facilities. Despite what's been said, the bill equally treats private and public facilities to be accessible for all people with disabilities. In order to do that, I guess we have to work hard on it. As we said in the bill, it's going to take about 20 years. That doesn't mean it will be 20 years before we start seeing progress. At the end of that time, in 20 years, we should see all Ontario, all facilities, whether private or not, accessible without any conditions or problems. We have a five-year increment in order to follow up on that procedure.

I believe that when we create a barrier-free Ontario, it will make life easier for people with disabilities, enabling them to have access to malls, doctors, hospitals, schools and workplaces. I believe this will affect the quality of their life. This also answers part of your questions.

About the definitions around ODSP, as you know, with all the physical difficulties we are facing in Ontario at the present time, we increased ODSP by 3%. I know it's not a lot, but it is a step. In the past 11 years, we had no increase. It's the first time in 11 years that we had an increase in ODSP.

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Attitudinal barriers are also very important. It's not just yourself talking about it; many, many people are. We've listened to about 50 to 60 presenters in the last two or three days, and all of them talk about attitudinal barriers. Yourself in conjunction with the government, we have to launch an aggressive campaign, working together in order to break these barriers by education, by publication, by talking to your neighbour, to organizations etc.

I believe that what you raised is very important. I strongly believe that Bill 118 answers most of these questions. If this bill passes, it will make life a lot better for many, many people living with disabilities across the province of Ontario. Thank you very much, again, for coming and presenting to us.

**The Chair:** A quick question from Ms. Wynne?

**Ms. Kathleen O. Wynne (Don Valley West):** No, it's OK.

**The Chair:** Mr. Jackson?

**Mr. Jackson:** John, welcome. As one who knows of your past presentations before governments and tribunals, I know you are a paralegal and you do an excellent job in that regard. I'm delighted that you're here.

In many respects, in the third day of our public hearings, you've opened up questions that previously have not been raised in areas with respect to the Mental Health Act, with the exception, perhaps, of Don Weitz from People Against Coercive Treatment, who presented a very strong presentation with respect to the need to protect a whole range of individuals who are being subjected to certain treatments unnecessarily or inappropriately. So I wanted to ask you this question: Do you believe that this act should contain within it a review of the Mental Health Act or the Consent to Treatment Act?

If there is time for a supplementary, I have another area with a vulnerable persons protection act, which I've been doing some work on. You raised some very interesting questions with respect to classification, treatment, denial of treatment and so on and so forth.

**Mr. La Berge:** Thank you, Mr. Jackson, for recognizing that point. There is only one answer, and that is, putting it mildly, definitely. It cannot be stressed enough, the necessity to overhaul the Mental Health Act, the welfare act of Ontario, various attached family court issues, the unified family court issues. They all have to be overhauled to address this. Perhaps even federal issues such as successions, wills, estates, competency acts—especially competency acts—have to be reviewed.

Provision for the representation: It is not inconceivable that a person with an acquired brain injury or a mental competency condition is not capable of forming reasonable concepts or reasonable levels of understanding and being able to express this. That right has to extend to caregivers or persons within their sphere of influence. It has to be extended. It's a necessity. Thank you for asking that.

**Mr. Jackson:** If I might, just very quickly, I had a case of a constituent of mine who was sexually molested in a home care situation. He never did live long enough to appear in court. So there are two issues here: the vulnerability of persons with disabilities from external caregiving, outside of the family and sometimes within the family; and also the issue of the courts not providing an immediate response so that justice can be performed very quickly, because you're a paralegal. Do you believe that we should be developing some kind of vulnerable persons protection act in this province that would better codify the protection for persons who—and I include vulnerable persons, because that could be children, the disabled, it could be seniors, people who aren't able to protect themselves?

**Mr. La Berge:** Again, "yes" and "definitely" are perhaps as close as I'd like to express toward that.

**Mr. Marchese:** John, you've raised a lot of good questions and that's why, because they are questions, I think government members should answer them. I'm going to give up my time so that they can respond to the many questions you've asked.

**The Chair:** OK, that's fine. Is there interest to answer the questions?

**Ms. Wynne:** Could I just comment? If there was time, one of the things I wanted to clarify—because I think one of your questions, John, was about the composition of the standards development committees.

**Mr. La Berge:** Correct.

**Ms. Wynne:** Right. Intentionally, the way the act has been written, it's open. We haven't specified who would be on those committees at all, and I take your point about people from your particular area, the brain injury folks, being represented. But the way the act is written, it's persons with disabilities or their representatives, and the minister would take advice on who those should be. So I just wanted to clarify. The problem with making lists is

you leave people out. It's left open so that we can get the right people on those standards development committees.

**Mr. La Berge:** I address that, again, with a question. I, as stated, have a very unique disability. I have several invisible disabilities. I believe—and this is not to put a negative slant on your response—that while I may not represent each person in Ontario with this particular or a comorbid condition, I am also an individual who has rights and I would like to have the right, if I am not present, to have my concerns at least addressed.

Mr. Marchese, thank you for allowing me to present even that level of thinking to myself.

**Mr. Jeff Leal (Peterborough):** John, thanks so much. One of the interesting themes that has developed this morning from your presentation and a previous presentation from Sandra Bird is the secrecy around ODSP and the operation of ODSP. I wonder if you could comment on it, because ODSP is the principal financial assistance vehicle we have for people who are disabled. So could I just get your comments with regard to secrecy and the lack of transparency?

**The Chair:** Quickly, because we are already over time.

**Mr. La Berge:** Unfortunately, Mr. Racco, with respect, I would like to write that response. If I can have the question written out and made available to me, I will provide that in writing with some personal experiences.

**Mr. Leal:** I appreciate that. Just before lunch, if you're here, I'll have—

**Mr. La Berge:** You bet I'll be here.

**The Chair:** Thank you for your presentation, Mr. La Berge.

The next presentation has left something in writing, so we will receive it.

#### JOSEPHINE HEWITT

**The Chair:** The next presentation is from Josephine Hewitt. Is she here?

I was making reference, by the way, to the 11 o'clock presentation. We'll deal later on with that one.

**Ms. Josephine Hewitt:** Good morning, ladies and gentlemen. My name is Josephine Hewitt. You can call me Joey.

I am not here today presenting to you on behalf of any organization. I am simply here as an individual, a 49-year-old taxpaying voter, living and working full-time in the regional of municipality of Niagara, who also just happens to be afflicted with primary progressive multiple sclerosis.

As a person battling a chronic, incurable, disabling disease, the issue of a barrier-free Ontario is of paramount importance to me and my family. I have a sister with MS. She's in attendance here today. I also have another sister with Guillain-Barré syndrome. We all reside in the Niagara Peninsula.

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I myself struggle daily to hold down a full-time job in order to pay my mortgage. I so strongly support Bill 118

that I am giving up a day's pay today in order to attend and participate in person at these public hearings.

I have read the proposals in the brief presented to you by the Ontarians with Disabilities Act Committee and I wish to tell you that I support these proposals wholeheartedly.

I proudly commend all parties of our government for voting yes to Bill 118 on second reading and I thank you. I strongly encourage you also to vote yes to Bill 118 on third reading so it will pass unanimously.

Here in our Niagara Peninsula we have a population of approximately 410,000 people. Of that population, there are estimates that there are approximately 70,000—not 17,000—disabled persons living among us. Demographically, the region of Niagara has one of the largest aging populations in Ontario. There's a huge number of seniors living here. We expect to see a significant increase in population growth of these seniors, especially over the next 10 years, the baby boomer generation.

This region desperately needs an intercity transit system. I cannot stress that enough. I'm begging you to consider that. I am told that a system to serve both the rural and the urban areas has cost estimates running somewhere between \$375,000 and \$475,000 in order to operate annually. Many people in this region are working very hard to make this project a reality but it requires funding. I understand the Ontario provincial government cannot deal with issues that may be the responsibility of our federal government. I don't really know whose responsibility it is; I just know we need it.

I also understand that provincial funding for implementing Bill 118 is most certainly not unlimited. However, I have great concerns that in order to develop, implement and enforce the standards relating to accessibility issues specified in Bill 118, there may not be funding from the provincial government. The province of Ontario needs to consider developing a disability fund specifically to ensure that all articles in Bill 118 can be met, and not in 20 years. God help us; the sooner, the better. There must be accountability for where these public monies would be directed and there must be accountability as to how those funds are directed.

Without some sort of a special fund to implement Bill 118, I'm afraid there would be provincial downloading to the municipality to cover the costs that would be incurred. I feel that without a special fund, this may lead to an aggressive increase to our taxes. I do not live in a mansion. I own a 900-square-foot house with no basement. I already pay heavy property taxes of over \$3,800. This is largely as a result of increased costs to my municipality because of past provincial downloading. I cannot pay for, and I cannot afford, any further increased taxation.

I consider myself one of the extremely fortunate disabled people. I can still work. I'm physically able to still work. I still have enough cognitive function, although it is slowly slipping away from me, to support myself. I hope I can retain my own home and continue to pay taxes and contribute to my community in a positive



manner. For 10 years I was self-employed. I provided jobs for four full-time employees and three part-time employees. I contributed a great deal to my community and to my province through taxation. Now I am asking my community, and obviously more so my province, to give back a little to me and the other disabled members of my family.

In closing, I ask all of you this evening, when you effortlessly kick off your shoes at the end of what is probably going to be a very long, tiring day, to please think of those of us in this room, in this city, in this region and in this entire province of Ontario, the legion of disabled people of all ages, young to old, who are not physically able to enjoy that small luxury of kicking off our own shoes unaided.

We need your help. Twenty years is much too long. Our future quality of life rests in your hands and on Bill 118 being passed. Let's get rolling.

I appreciate your giving me the opportunity to speak at this hearing today.

**The Chair:** Thank you, Ms. Hewitt.

We'll have one minute each, starting with Mr. Jackson.

**Mr. Jackson:** Josephine, thank you very much for being here today. Do you mind telling us where you're working?

**Ms. Hewitt:** I work at an office furniture company called Desks Plus in St. Catharines.

**Mr. Jackson:** And your employer wasn't sensitive to the idea that you might need half a day off?

**Ms. Hewitt:** No. Quite coincidentally, if I might add, yesterday as I was sitting at my workstation—I'm a purchasing agent, but I'm in an open workstation because my boss has agreed to give me a little more access—a representative of the city of St. Catharines came in and ticketed my company for not clearing the sidewalk in front of the building. My boss's response was, "It'll melt off today anyway."

He sees every day the difficulties and challenges I face and he still, like many others, sees a stigma and has an attitudinal barrier, which has been previously discussed. It's hard to overcome, but that's the least of my concerns.

**Mr. Jackson:** Thank you.

**Mr. Marchese:** How much time do we have?

**The Chair:** One minute.

**Mr. Marchese:** Thank you for coming, Josie. There are so many questions I wanted to ask around compliance and inspectors, the fact that the government chooses to use the language "may," that it "may" hire inspectors and a director "may" direct compliance with particular accessibility plans. I don't have time to ask that.

I wanted to focus on the whole issue of the time frame because I, like you, think 20 years is just too much. In 1998, the Legislature unanimously agreed to establish an Ontarians with Disabilities Act, with the goal of creating a barrier-free Ontario within as short a time as was reasonably possible. You and I agree that 20 years isn't reasonable, but do you not agree with me that 12 years would be a better, more reasonable time and would break down those cycles into three years instead of five?

**Ms. Hewitt:** That's a start. That's an improvement, and that's all we can ask for.

**Mr. Marchese:** I think we should remind the Liberal members daily that that's the case.

**Ms. Hewitt:** Everyone needs to keep that in mind.

**Mr. Craitor:** Welcome, Jo. I have a quick question, but I want to share something with you in regard to the 20-year time frame. To be quite frank with you, I had the same concern.

Yesterday in Toronto, David Lepofsky came to speak to us. I have learned a great deal about him and have huge respect for him. He represents people in Ontario with disabilities. I remember his comment. He said, "There's a feeling out there about this 20 years. That's an end date. We're not concerned about the end date—and that there's a date when this will be finalized—but that there's a way in which we can get it done; there's a way in which it can be expedited. Think of it as a positive thing. We got together with the stakeholders, all of us, and this is something we were able to reach a consensus on. So for all three parties, the goal is to get it done as quickly as possible. Don't think of the 20 years as a difficult thing, because that's not the intent of it at all." I just wanted to share that with you because that came from someone who certainly has my respect.

My question to you is very simple. I think you made a very good point about a disability fund. Did you have some ideas, when you were talking about Bill 118, when you touched on the idea of a disability fund to make sure it was implemented?

**Ms. Hewitt:** I believe the Veterans Affairs' veterans' fund is federally directed. There's a tonne of money there. I'm sure there are other funds that are provincial government holds that have probably some excess funds set aside. Can we not possibly take some of those funds that are, hopefully, in excess, so we're not infringing on the rights of any other minority groups and build something? We cannot afford to have more provincial downloading into our municipalities. We just can't afford it, not in Ontario.

**The Chair:** Thank you, Ms. Hewitt, for your presentation.

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JOAN GALLAGHER-BELL

**The Chair:** As I said earlier, the next presenter has left their material, so we'll move on to the quarter after 11 presentation, Joan Gallagher-Bell.

**Mr. Jackson:** Mr. Chairman, as we agreed, Joan Gallagher-Bell, from the Burlington Accessibility Advisory Committee, would request, through the clerk and the researcher, that the committee members be given a list with addresses and contacts for each of the municipal access advisory committees for the province. If we could get that list, I'd appreciate that.

**The Chair:** Thank you. We'll put that on the record. You may proceed with your presentation, madam.

**Ms. Joan Gallagher-Bell:** A special thanks to the standing committee on social policy and all the interested

parties for allowing me the privilege to present my views. My name is Joan Gallagher-Bell. I live in Burlington, Ontario. I am here representing myself and my opinions. As a board member of the MS society, Halton chapter, the Burlington AAC and the Halton region AAC, I realize the importance of the Accessibility for Ontarians with Disabilities Act, Bill 118. In the interest of time, I am condensing what truly could be a lengthy discussion in many areas, as I'm sure you all recognize.

The importance of a strengthened Ontarians with Disabilities Act will greatly impact all Ontarians. The needs of the challenged communities throughout Ontario are numerous:

(1) Affordable, accessible housing: At the present time, there are no definite lists of the need for accessible housing. There are many cases within my community of such a need. There was a person whose spouse left, and then, due to divorce, a relocation of the person was needed. The children were with the person and accommodation was very sparse—almost non-existent. Another person was almost homeless because of the need for one-floor living accommodation—again, no room. Another scenario is a person moving to a community and indeed having all the accessible features they require, and then they can't visit the neighbours because of accessibility.

(2) Transportation, including cross-border transportation: A young person who lost his eyesight remained at home for eight years with his parents' help. Then he became a young adult and wanted to attend a program for the visually challenged. Driving from Milton to Oakville for the program takes 10 to 15 minutes. With encouragement and inspiration from his peers, he set out to travel alone, without a guide dog, from Oakville to Milton. It took three buses, going to Milton by way of Mississauga, and three hours. Yes, he has the pride of accomplishing this now. Couldn't the transportation departments factor in at least one route per week as cross-border transportation? The many clients of dialysis who travel to Hamilton from Burlington use two handicapped vans to get to Hamilton and two home, depleting an already low energy level.

(3) Financial programs: One hot information line capable of directing those challenged persons and/or their caregivers in need of information to a central line throughout Ontario, and help with funding.

(4) An ombudsman specifically for the Ontarians with Disabilities Act: This office could help gather information about the many challenges within the province and provide guidance and direction regarding transportation and housing issues, plus being able to give particular numbers indicating need in specific areas. This ombudsman would be a voice for the many challenged persons throughout Ontario: when a person with a service dog is refused service; the many other injustices of challenged Ontarians; a restaurant that, when phoned, says, "Yes, we have an accessible washroom." Yes, it's accessible, but you have to go down or up 15 steps.

(5) Human rights specifically for those with visible and invisible disabilities, and the needs as set out in the

Blind Persons' Rights Act expanded to include all disabilities.

(6) Encouragement through programs for sports, to help maintain fitness in the challenged communities throughout Ontario.

In the city of Burlington, the demographics projected for the years 2010-13 are that 50% of the population will be retired. Sadly, retirees will increase the challenged communities. With a present population of approximately 150,000-plus persons, there is a potential of 75,000 persons needing assistance. Stats Canada indicated in a recent study that one in seven Canadians is disabled. This would mean 21,000 persons in Burlington presently.

Affordable, accessible housing will benefit all with a standardized building code. The cost of this is very minimal compared to \$20,000-plus for retrofitting an existing home. Thus, by having the building code reflect all the recommendations and building codes as shown in the city of Burlington guidelines, plus the use of the Ontario Realty Corp. guidelines, the impact will be positive in the homes of Ontarians. The builders would then have standardization for their supervisors and workers.

Please empower challenged Ontarians, whether visible or invisible, to a greater quality of life in Ontario. Then you also will be taking the "dis" out of disability and focusing truly on ability. Thank you.

**The Chair:** Thank you very much for your presentation. We have two minutes each and we'll start with the NDP, Mr. Marchese, from Calabria, where I originate.

**Mr. Marchese:** Thank you, Joan, for your thoughtful presentation. You raised many issues that are very important, and one of them is affordable, accessible housing. Sadly, for the last 10 years, we've had very little construction of affordable, accessible social housing, and you know that.

**Ms. Gallagher-Bell:** Yes.

**Mr. Marchese:** We decry the fact that governments have done so very little to do that. The need is great and will become greater. This Liberal government has promised to build a lot of affordable housing, which presumably at the same time would be accessible as well. I see no sign of it after a year and a half. Regrettably, I don't think much housing will happen in the next two and a half years that they're still in government. How long can people wait to have accessible, affordable housing? Is it human, in your view, that we should be doing this? Is it all right for governments not to find the money to do this? What is your feeling about what we should be doing?

**Ms. Gallagher-Bell:** I think through standardization of the building code on new construction, making the houses from Burlington to North Bay to Niagara Falls, all throughout the province, accessible would be a great impact to the community throughout. I also think there is a need. Because we can't document this need—I can document it through my friends in the MS community and further afield than that, but we need it in all aspects, whether it's hearing, sight or mobility. There are so many



aspects of it. I realize that it's a monumental task, but I think it's doable.

I think that implementing the same standard building code throughout Ontario would help. I also recognize that implementing the standardization of doorways to 36 inches today, for instance, wouldn't become part of the building code for approximately three years. So it's a very slow process.

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**The Chair:** Mr. Ramal.

**Mr. Ramal:** Thank you for your presentation. I have nothing except to agree with you. That's why we have Bill 118: to speak to those issues.

I was flipping through affordable housing and transportation and many issues that you raised. If the bill passes, do you think it will speak to and answer your concerns and eliminate any of the issues you raised?

**Ms. Gallagher-Bell:** I think that Bill 118 is, in fact, a step forward. I think it has—I'm not going to say "has," because "has" is not appropriate. I would hope very strongly that there is accountability, both at the government level and by private business, that they recognize the needs of the community, whether invisible or visible.

As a member of two AACs, I also think it's very important to have timelines. We can't just say unilaterally, "This will happen," without a time frame. Twenty years is a long time. I would like it to be shorter, but I do understand due process.

The third thing that I really feel very, very strongly about is enforcement. I attended a symposium in London, where we spoke about enforcement of the bill and the different scenarios with four lawyers. I realize it's very difficult, but I think we have to look at it in those terms: through education and creating awareness. There are many aspects of it, but I think we can do this in a proper and progressive manner.

**Mr. Ramal:** I don't know if you've been listening to the minister, but on many different occasions she has said, "We cannot afford not to do this bill. It's long overdue." I agree with you that 20 years seems like a long time, but that's just the ending time. If you look at the process, there are a lot of steps that we have to take on the way. Hopefully, if and when the bill passes, we'll see a lot of positive changes come from it. Also, there are a lot of enforcement mechanisms. There would be a \$50,000- to \$100,000-penalty for people who don't comply with the bill. I just want to assure you, and hopefully you and I can see a barrier-free Ontario in the future.

**The Chair:** Mr. Jackson.

**Mr. Jackson:** I'd just like to comment on the last statement. The minister said, "We can't afford not to do it," but she said she can't give us any costing, so we don't know what she can afford. That's really the issue here.

Joan, you come from Burlington, as I do. You've raised housing, and I want to stay on housing for a moment. Housing is not complicated. You cannot build a house in this province unless you have a building permit. You can't get a building permit unless you go to a

municipality. The municipality controls that under the Planning Act. In my view, we should be asking the government to set as a provincial priority, as it does to protect the environment, green space and heritage buildings—the province should consider making it a priority to override the Planning Act to say things to municipalities like ours. If we had time, we would tell people here that our mayor is building these tall, skinny buildings because of intensification. They're the worst buildings for the disabled, because they're three-storey walk-ups, all tight together. You can't even get in your front door at grade level. We're building tons of them because we want to get more taxes out of our city. We should be going the opposite way, which is to build homes that are at grade level with no basements, and that are affordable.

My question to you is, do you support that this legislation create a requirement that a certain amount of accessible housing—I don't want to say "affordable," because people think "poor people, new Canadians," all those things. By definition it's not accessible if you can't afford it.

**Ms. Gallagher-Bell:** Exactly.

**Mr. Jackson:** Would you support that being built into this legislation so that the province can say to municipalities, "For every 100 homes you build for able-bodied people you can tax the living ... out of, for every 100 that are going to make you all this money and help run your city, you've got to do at least two"? That's a start, because we're not doing any right now. Would you agree with that approach?

**Ms. Gallagher-Bell:** I guess I could compare it to the parking we have throughout Ontario. We have 100 parking spots. Two and a half spots in Burlington for sure are designated as handicapped parking. That would go along with it, and I don't think that's unreasonable.

I will say that because two or three homes out of 100 would be accessible, that would create a problem with the builder inasmuch as he would have to take specific note of those two or three homes. For me, in my perfect world, on my major wish list would be that if all doorways are 36 inches wide, if they are all accessible, then it doesn't make those three homes that we have to really take care of—it would be standardized.

**The Chair:** Thank you very much for your presentation.

#### ONTARIO MARCH OF DIMES- NIAGARA COLLEGE OF APPLIED ARTS AND TECHNOLOGY PARTNERSHIP

**The Chair:** We will move to the Ontario March of Dimes, Niagara chapter.

I just want to remind you to stay within the 15 minutes. We are going over our limit quite often. Please proceed any time you're ready.

**Ms. Brigitte Chiki:** Good morning. My name is Brigitte Chiki. I am the director of student services at Niagara College. I am a past member of the Ontario March of Dimes business advisory committee, and the

College Committee on Disability Issues, which is a provincial association of disability specialists in the Ontario college system. I currently serve as lead coordinator for the Niagara College accessibility plan committee.

The community of Niagara College is greatly enhanced by the involvement of people with disabilities. In 1988, when we first opened our Centre for Students with Disabilities on campus, we had 88 students with disabilities come through our doors.

**The Chair:** Madam, could I ask you to slow down a little, please. There are people who would like to appreciate your presentation—all of us want to appreciate your presentation. Thank you.

**Ms. Chiki:** For the 2004-05 academic year, we have nearly 600 students with disabilities, a 600%-plus increase.

The great majority of these students go on to become successful graduates and productive employees of organizations and in self-employment situations. Last year, our employers rated Niagara College number one, among 24 colleges rated, for satisfaction with graduates hired. Students with disabilities are among these graduates. However, the process of taking a student with disabilities from admission through to graduation and employment is not an easy one for the student or the college.

When Niagara College worked through the process of its first accessibility plan, we learned a lot about our physical space from the eyes, ears, arms and legs of our students and staff with disabilities. We had many deficiencies. The combined cost of the required retrofits was enormous, well beyond the current means of the college's resources.

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As the legal obligation in Bill 118 to remove barriers takes effect, funding will be required. First, enhanced funding mechanisms that help advance accessibility and inclusion will require interministerial collaboration with the Ministry of Training, Colleges and Universities, the Ministry of Finance etc. Second, there must be a way to ensure or measure compliance with the legislation. Students, their families and sponsors are owed a resource of reliable and consistent information from which they can make important life decisions, such as which college or university to attend, on the basis of accessibility. Finally, public outreach, awareness, education and communication of this new legislation will be critical. The standing committee should consider ways through which partnered groups such as Niagara College and the Ontario March of Dimes can help develop and disseminate the communication efforts.

Thank you for the opportunity to make our views and comments known.

**Ms. Jocelyne Gagné:** Good morning. My name is Jocelyne Gagné. I'm a regional director with Ontario March of Dimes. I've been involved personally with the disability field for nearly 30 years. My affiliation with Ontario March of Dimes as a service delivery agency has also provided me with the opportunity to work with community groups and individuals in promoting access-

ibility for persons with disabilities. The Niagara region, Haldimand and Norfolk counties are where I have spent most of my working life. Over the years I have seen much change, and I want to comment that I was very pleased to see the Ontario government take steps to improve the accessibility of our province. Accessibility is certainly a benefit for everyone. The economic, social and cultural advantages of a barrier-free environment are numerous and will result only in positive outcomes for the province.

The goal of the current legislation to make all of Ontario barrier-free will only be achieved, we believe, with the active participation of key players in the community. Partnerships are one of the best ways to engage the right players in working together to improve the accessibility of all public facilities and to promote the inclusion of persons with disabilities.

In this community, Niagara College of Applied Arts and Technology and Ontario March of Dimes have a community partnership that exemplifies the types of partnerships that are needed for the successful implementation of Bill 118. Ontario March of Dimes is already actively engaged in doing what Bill 118 is intended to do. In partnership with other groups in our community, like Niagara College, Ontario March of Dimes seeks to work in concert with and utilize existing resources to promote accessibility, coordinate activities and offer services that are accessible to persons with disabilities.

I would like to share with the members of the committee examples of how some of these programs are currently administered in terms of practicality and implementation. How Ontario March of Dimes and Niagara College operate these programs is very relevant to the proposed legislation and offers some existing premises upon which to foster and encourage similar developments.

Since 1992, Ontario March of Dimes has been involved in specialized computer training programs for persons with disabilities, with the goal of securing competitive employment for its students in the Diskovery computer software applications program. Niagara College was a founding member of the Diskovery business advisory committee, which was formed in 1992, and it guided the operations of the program and provided representation on that committee until it was dissolved. Niagara College has been an active partner in the delivery of this service, and based on the curriculum that is approved by the college and delivered by Ontario March of Dimes in an accessible computer lab, the college provides a certificate, which lends credibility to employers in the region. Diskovery students are registered as Niagara College students, and they are provided with all the rights and privileges they are entitled to receive as college students, such as discounts, educational pricing etc. Graduates of the Diskovery computer software applications program are integrated into the regular graduation ceremonies of the college. Even though they have their training off-site from the college, they are part of that group. The Diskovery program maintains a 77%



placement rate for its graduates. Thanks to this partnership, over 20 people per year participate in the program and are able to access the specialized computer training programs that are adapted to individual student needs.

The equipment and services available in the lab include specialized equipment for persons with visual impairments, blind students and those with limited fine motor dexterity, ergonomic workstations, and accommodations for those with learning disabilities, to mention a few. The maximum class size is 13, so all students are provided with the necessary accommodations to achieve success. This partnership exemplifies how a co-operative venture between an educational institution and a service organization can gain maximum benefit for students with disabilities. This highly specialized program provides solid training geared to accommodate the special needs of persons with disabilities and equip them with the skill sets and job-finding support to succeed in competitive employment. Over the past 12 years, the co-operation and support of both Niagara College and Ontario March of Dimes have contributed significantly to the employment of hundreds of program participants.

Since 1998, Ontario March of Dimes has provided on-campus attendant care services at Niagara College. This program provides for on-site personal support for both students and faculty of the college, and is a program that is funded by the provincial Ministry of Health and delivered by Ontario March of Dimes. Over the course of this partnership, we have adapted the program and made adjustments to service delivery in order to best meet the needs of students and faculty.

Ontario March of Dimes strives to hire college students as attendants and provides them with the necessary training. In some circumstances, this has led to summer employment for those students, as they have worked as attendants in other Ontario March of Dimes programs and they help to cover off vacation schedules etc. That becomes a win-win situation for the college, for Ontario March of Dimes and certainly for the students.

In 2001, the college was able to allocate office space for our staff to utilize between their shifts, when they are on call and for the completion of paperwork related to service provision. We now have an office where March of Dimes staff can leave messages for each other, check a communications binder or do school work when they are required to be on call.

Having run the program for several years, we now also try to meet with new students prior to the start of the school year so that they are ready for service at the onset of starting school. The college is always co-operative in helping us to make any special arrangements that are required.

The on-campus attendant services are also available to students in residence at Niagara College. Our program is very flexible and adjusts constantly to the needs of our consumers. We realize that students want to participate fully in the total college experience, so we do our best to meet all requests for service. We often are asked to assist someone after a college function, a meeting or an event.

Whether it be academic-related or assisting with activities of daily living, we work with our staff and the college to provide the service for when it's requested. For example, we might be asked to assist with meetings off campus, to assist with a later retiring routine because of a college social event, or to add an on-call afternoon shift for someone who is living in residence and needs assistance outside of regular college hours.

**The Chair:** There's one minute left, madam.

**Ms. Gagné:** Then perhaps I'll leave you to read some of the other things around the program and just talk a little bit about the fact that we do work co-operatively; we do try to communicate well with each other and assist each other on different committees and new projects.

One of the areas I wanted to mention, which was a different kind of partnership, is one that we've had with the regional municipality of Niagara, where they have utilized the services of Ontario March of Dimes to provide sensitivity and awareness training for their staff. That was highly successful and we now have other training programs that are being planned for the coming year.

I would urge the government of Ontario to continue to foster the development of these types of partnerships so that the best expertise and resources in our community are put to use in fostering accessible opportunities for people with disabilities. In order for Bill 118 to succeed, we believe the government of Ontario should be providing encouragement for the development of those kinds of partnerships.

In closing, I would urge you to pass the bill as quickly as possible.

**The Chair:** Thank you, Ms. Gagné and Ms. Chiki, for your presentation.

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#### PORT COLBORNE ACCESSIBILITY ADVISORY COMMITTEE

**The Chair:** We'll move on to the next presentation, from the Port Colborne accessibility advisory committee. Please have a seat, sir. Start whenever you are ready. Keep in mind that you have a maximum of 15 minutes, and we just can't go over because we are behind.

**Mr. Tom Lannan:** I understand, sir. My name is Tom Lannan. I'm the chair of the accessibility advisory committee in the city of Port Colborne. We appreciate the opportunity to present our committee's submission commenting on Bill 118. I have copies, Ms. Stokes, for all members, and I'll hand that in when we're finished.

Our committee has been in existence since the inception in the fall of 2002. We have a cross-disability component, having members with many types of disabilities and of different age groups.

We are a city of approximately 18,450. In our heyday, we were involved in the marine industry, manufacturing and milling. It has been noted by Statistics Canada that the Niagara region has the second-largest senior population in Canada, and with the onset of aging of the baby

boomers, I don't expect this stat to change. As we all know, as we age, we don't move around as fast as we used to. Presently, one in six persons in Ontario has some type of disability, whether visible or not. In Niagara that would amount to 60,000 people.

As my committee friend and colleague Liz Seger reminded me, in 1981, with the UN declaration of the Decade of the Disabled Person, Ontario promised persons with disabilities to be fully accessible by the year 2000. However, it's now 24 years later and we've made a start, but we're not fully accessible. We hope that there would be a reason for the Ontarians with Disabilities Act to be enacted in full.

We have outlined six major areas of concern. They are: transportation; the changes needed for the enforcement and implementation of the Ontario building code; social justice issues; attitudes; education; and communication.

I will speak today only on one topic, the Ontario building code. Changes could be taken care of quite easily if the government enhanced the code and changes made to it and kept updating the code as needs increased. Even if there was one disabled person who was using that business, that federal building, that provincial building, that mall, enforce the building code rules universally from Kenora to the Kawarthas to Cornwall to Fort Erie. Nobody is exempt: There are rules, and this is how you're going to do it.

There are buildings, yes, that are centuries old and hard to adapt. A good architect, if he has been in trained in barrier-free design, will be able to do that and communicate that to his contractors, who will communicate that to the tradespeople doing the job. They need provincial assistance to accommodate this.

Mandate changes to architectural schools and engineering courses to include a barrier-free-design component to be taken care of before a degree or certification is granted so that eventually, without even thinking about it, barrier-free design is so much a part of a building's design that it becomes automatic. Curricula are updated all the time to fit changing needs, and so it should be with this.

Encourage all ministries of all sectors of government to actually work together on this and consult with one another. Make sure the government, both federal and provincial, practises what it preaches. The post office, a crown corporation, and the Ministry of Transportation office in Port Colborne are both inaccessible, and have been for years. If the government does what the law says it should do, the Joe Average public business owner would do the same. Believe it or not, disabled people do shop and go out for dinner. They do have their licences renewed. They do go to the theatre and to the movies. They play sports. They go to sporting events. They swim. They do just about everything every able-bodied person likes to do. So if we can eliminate the physical barriers, then we're providing them with a full and independent life.

In closing, sir, I'll appreciate any questions. I have copies of our presentation in full.

**The Chair:** Thank you. There is plenty of time for questioning, I would say three minutes each. We'll start with the government side, Mr. Ramal.

**Mr. Ramal:** Thank you for your presentation. I know you're concerned about the building code and also, as you stated in your presentation and in the brief that you distributed among us, about other issues too: transportation and many different issues. Do you think that if Bill 118 passed, it would eliminate these concerns and would make your area, as well as Ontario, barrier-free so that all people, whether able or disabled, could enjoy the beauty of this province?

**Mr. Lannan:** That would be the goal, sir. Will Bill 118 in its entirety, by itself, take care of everything? No. There are so many other components that should address it with Bill 118. We just highlighted the Ontario building code, which we seem to be discussing at every meeting we have. That's why we suggested, at the curriculum level of architecture and engineering schools, that everything is not just the minimum.

**Mr. Ramal:** You've probably read Bill 118 many different times. Bill 118 has sections which talk about eliminating barriers, both private and public. All facilities or institutions or offices—belonging to the province or to any institution—have to be accessible to all people. I think Bill 118 will answer your concern if it passes.

**Mr. Lannan:** That would be our hope, and that it would add on to other items too, the ones we've mentioned besides education: communications and transportation. I think it's all-encompassing, but there has to be meat behind it. The enforcement issue would be part of that too.

**The Chair:** Mr. Craitor, the local MPP, you wish to ask a question, I believe?

**Mr. Craitor:** Welcome, Tom. It's nice to see you here from the Port Colborne accessibility advisory committee. I'm really pleased, because I know Niagara Falls has a committee and they're going to be speaking today as well.

Tom, something really caught my attention. Your brief is excellent and has some great points, but you mention here—I'm in Port Colborne an awful lot; you've got the Sailors there, the Junior B hockey team—that the Ministry of Transportation in Port Colborne is inaccessible. Where is that?

**Mr. Lannan:** It's on King Street.

**Mr. Craitor:** What ministry is that?

**Mr. Lannan:** Transportation.

**Mr. Craitor:** I didn't think we had a—

**Mr. Lannan:** It's where we renew our licences.

**Mr. Craitor:** OK, so that's a private facility. I do understand. That's what we're talking about: not the ministry itself, but the renewal of licences.

**Mr. Lannan:** Correct.

**Mr. Craitor:** I will follow up on that. Thanks, Tom.

**Mr. Lannan:** Thank you, sir.

**The Chair:** Mr. Arnott, do you have any comments?



**Mr. Ted Arnott (Waterloo–Wellington):** Thank you, Mr. Lannan, for your presentation. We appreciate your advice. The perspective that you brought to this committee from the people you represent in Port Colborne is very helpful to us all. I don't have any specific questions for you. I think you've covered all the issues very effectively, talking about transportation issues and the challenges that disabled people still face concerning public attitudes. Please pass along our appreciation to members of the committee.

**Mr. Lannan:** We appreciate the opportunity.

**Mr. Marchese:** Tom, I've got a couple of questions. Everyone believes that the goal of the legislation is to create a barrier-free society. That's certainly the intent. That was certainly the statement Minister Bountrogianni made when she talked about this bill, and the previous delegation said very much the same thing. But why do you think they wouldn't include in the purpose clause—you understand, the purpose clause is the basis of the bill; it tells you what the bill is all about. In the purpose clause, there is no language that says, "This is intended to create a barrier-free society." In fact, when you look at it, "The purpose of this act is to benefit all Ontarians...." It has no language about creating a barrier-free society. Do you find that odd?

**Mr. Lannan:** I believe, sir, that's why we mentioned about the Ontario building code and how it could, through the engineering and architectural schools—and that's why we brought that thought.

**Mr. Marchese:** Sure. But do you think they should change the purpose clause to in fact say what they mean?

**Mr. Lannan:** It would be appropriate.

**Mr. Marchese:** Good or bad?

**Mr. Lannan:** Yes, sir. Fine.

**Mr. Marchese:** I would think you would agree with me. The other question has to do with the time frames. You've heard a few Liberal members there say, "Twenty years—let's not get caught up with the 20 years. It's not a big deal, because in between we'll be working." I agree that in between there are cycles, and people will be doing work around the issues of accessibility. But do you agree with me that you could have a shorter timeline, and why not? They say, "Don't get caught up with the timeline"; I say let's get caught up with the time. I think we can do it in a shorter time span, and work in between. Do you not think we could do that?

**Mr. Lannan:** That would be great, but—

**Mr. Marchese:** Don't you want to tell them that?

**Mr. Lannan:** The shorter the time frame, the better for anybody involved. It's appreciated. That's why I mentioned 1981, which the UN designated the year of the disabled.

**Mr. Marchese:** Thank you, Tom.

**The Chair:** We end this morning part. We will resume at 1 o'clock. For staff and MPPs, room 2 is where we will be having lunch. For our friends and guests and participants, if you wish, there is a restaurant, I understand, at the end of the hall for your use, at your choice.

I thank you again. We will be back at 1 o'clock so that we will continue discussion on Bill 118, the Accessibility for Ontarians with Disabilities Act.

*The committee recessed from 1212 to 1304.*

**The Chair:** While we are waiting for some other members to join us, maybe what I can do, if you don't mind, is just go over a couple of items. Of course, we are here to deal with Bill 118, the Accessibility for Ontarians with Disabilities Act. We have had second reading already. There was a vote in the House at Queen's Park for second reading, which all three parties supported. At this time, we are going around the province, in four cities, plus two days in Toronto, to hear people's comments on what we are trying to do and hopefully to improve what we are trying to do as best we can. Your comments are necessary for us to achieve that. That's why we are here.

Today, as you can see, there are members of the three parties. On my right are the members from the Liberal Party, and on my left I have Mr. Marchese from the NDP and two gentlemen from the PCs. I always mention Mr. Marchese because I can pronounce his name very well. Sorry about yours.

#### MAYOR'S ADVISORY COMMITTEE ON ACCESSIBILITY FOR THE CITY OF ST. CATHARINES ACCESSIBLE NIAGARA

**The Chair:** You and everybody else, madam, will have 15 minutes for your presentation. If you don't use the 15 minutes, members will be able to ask questions or make comments based on what you said. That is really all that I believe is important for me to state. We are ready for you whenever you're ready to start your presentation. You are here on behalf of Accessible Niagara; am I correct?

**Ms. Linda Crabtree:** I'm here on behalf of the mayor's advisory committee for the city of St. Catharines, and Accessible Niagara, if that's all right with you.

**The Chair:** OK, and you are Ms. Linda Crabtree.

**Ms. Crabtree:** Yes.

**The Chair:** Please proceed.

**Ms. Crabtree:** First, I would like to thank the ministry for bringing these hearings on Bill 118 to Niagara. There are seven accessibility advisory committees in Niagara made up of more than 100 members, most with disabilities, who represent some 70,000 people with disabilities who live here. We appreciate the fact that we don't have to go to Toronto or Hamilton to be heard.

I am Linda Crabtree. I am here today to speak on behalf of the mayor's advisory committee on accessibility for the city of St. Catharines and, secondly, on my own regarding accessible tourism in Niagara and inter-municipal transit.

A little about my qualifications: I am a journalist, having worked for the Standard in St. Catharines for 12 years and written a column on accessibility for approxi-

mately 20 years. For 18 years, I ran CMT International, an organization for people all over the world with the same neuromuscular disease that I have. Currently, I am the co-chair of the mayor's advisory committee on accessibility for the city of St. Catharines, the vice-chair of the region of Niagara accessibility advisory committee, the publisher of Accessible Niagara, a guide for tourists with disabilities wanting to come to Niagara, and I write the [accessibleniagara.com](http://accessibleniagara.com) Web site. I recently audited a course on universal design offered by Sheridan College.

During my 62 years, I have slowly gone from walking to leg braces, canes, crutches, a walker, a wheelchair and a scooter. I am no longer able to walk and my hands are extremely weak. Freedom for me is access to everything everyone else enjoys. That's why I fight so hard for myself and all of my peers. Forgive me if my passion shows a little, because I do tend to get carried away sometimes.

First, the mayor's advisory committee on accessibility for the city of St. Catharines: This committee was formed in 1998. In 1999, the city of St. Catharines spent \$40,000 on accessibility improvements following an audit of city hall by the committee. This saw automatic double-side doors installed, designated parking arranged close to the door and washroom facilities improved. Since that time, the committee has worked with the city to establish an ODA plan, which was unanimously approved by city council. The plan has been put in place. However, most of it is based on furthering understanding of the needs of people with disabilities to staff and making city-owned buildings accessible through further auditing and retrofitting.

Since 1999, we have found that there is no one on city staff with the time to truly carry out any of the work that must be done to actually implement further recommendations. It has been established that there is a dire need for an accessibility coordinator to help us move ahead. Recently, \$100,000 was put into the city budget for audits and standards development and another \$40,000 for a coordinator. Just last week everything was cut in half in the preliminary budget rounds. The \$20,000 left for a coordinator would enable us to partner with the region of Niagara, and that person would work for both and likely be run ragged. And, we are told, that \$20,000 could be cut next week, leaving us where we were two years ago.

We have a huge turnover on our committee due to our inability to show any accomplishments, and frustration levels are at an all-time high. If after seven years we can't show some real progress, we'll soon lose all of the mature, experienced people willing to volunteer. They will have burned out and much valuable expertise and time will be lost.

We would like to recommend to you that when the province says accessibility committees must be put in place, sufficient funding be provided to implement necessary programs. By that I mean hiring an accessibility coordinator to work as a liaison between the

committee and various city and regional departments to ensure that the needs of those with disabilities in the city are met. It should be someone with the strength to battle for our needs every working day, not just once a month when we meet.

As it is now, we on the mayor's advisory committee for accessibility for the city of St. Catharines feel undervalued and negated. We want our expertise to be used and our needs to be considered, not ignored or jollied along until budget time and then be the first things cut. Please, put some money behind Bill 118.

### 1310

The second item I would like to discuss is accessible tourism. For three years, I have worked on bringing Niagara to the disabled public as a tourism destination. This month I am taking delivery of 50,000 Accessible Niagara printed guides good for years 2005-06. These guides are distributed free to people all over the world by our partner, the Niagara Economic and Tourism Corp. I have given each of you one of the 2003-04 guides.

Some 14 million people visited Niagara last year and the Niagara region tourism receipts are over \$1 billion. The area supports more than 35,000 tourism jobs. Right now, the tourism industry is searching for ways to improve our revenue for 2005. We know that approximately 15% of the population is disabled. May I suggest that we already have the means by which to raise the number of tourists to Niagara and Niagara Falls? We have in Ontario close to two million people with disabilities, in Canada more than four million total and in the United States 40 million. We haven't even counted Europe, Asia and the billions of frail elderly who still want to travel. These people are all potential tourists to Niagara. All we have to do is concentrate on making Niagara one of the most accessible places to vacation in the world, and they will come.

Because Americans have had the Americans with Disabilities Act, the ADA, for so many years, when they come here they expect to find accommodations and transit at least as good as they have at home. Unfortunately, they can be disappointed. The American side of Niagara has one advantage over us right now, and that's their ADA. They are years ahead of us in accommodating travellers with disabilities. We must bring up our accessibility standards in the tourism sector fast.

In almost three years of auditing, I have a litany of stories I could tell you on hotels and what they do or do not consider access. I have become an expert on accessible hotel rooms and bathrooms. Surveys show more than 350 hotels and places of lodging in Niagara. Of those, 106 are hotels offering a total of more than 14,000 rooms. I've found 40 hotels that offer a total of 104 accessible rooms. I have found one bed and breakfast that fits the bill as being accessible out of some 89—one—two retreats with accessible rooms and one respite-care apartment.

I have found that people running hotels and lodgings badly need awareness training. They hesitate to even speak about us because they're afraid they'll say some-



thing wrong and offend someone, so nobody says anything. They need to be able to identify a barrier and know how to rectify the situation without spending a great deal of money. We need something better than the Ontario building code. CSA standards are good and universal design is better.

One woman working at a hotel told me her entire hotel was accessible because the elevator went to the top floor. Another woman from Ohio who uses an electric wheelchair couldn't take a shower for two nights because she couldn't turn around in the bathroom and the so-called roll-in shower had a one-and-a-half-inch lip on it. This was a hotel that's only two years old. I have spoken to an architect who is a so-called expert on universal design, and he said they, the architects, were considering just how far they were going to go to allow access in hotel rooms to scooters and large wheelchairs. My answer to him is, as far as you need to. Universal design allows for bathrooms with easy access that everyone can use.

It is a known fact that people with disabilities are the ones who set the criteria for their entire group or family when travelling. If the person who is disabled can't stay at the hotel or get into the restaurant, none of the others in the group go there. It is also known that people with disabilities usually must plan ahead. When they do get everything they need rented and arranged, they usually stay perhaps three or four nights, which is longer than the one or two nights most other tourists stay in Niagara.

The Niagara Parks area offers an absolutely beautiful venue for visitors, but there are still links missing, such as accessible transportation. There is no way for tourists with disabilities staying in the hotels above the falls to get down to the immediate falls area except by two steep hills, Clifton Hill and Murray Hill, or a taxi. Accessible shuttles are needed. Also, the people mover that takes tourists from one venue to another in Niagara Parks must be made accessible. I believe that Niagara Parks is a crown corporation and isn't required to file an accessibility plan. Since they are such a prominent player on the tourism scene, anything they do regarding access makes a huge impact. We dearly need them to be on board.

Intermunicipal transit: We also do not have an easy inter-municipal transit system in Niagara, specialized or otherwise. Anyone who comes into the falls without a car cannot easily get to other attractions in Niagara. The region of Niagara recently floated a specialized inter-municipal transit scheme, which passed Monday night by 5 to 2, I believe it was, in West Lincoln. Wouldn't it be marvellous if it could be supported in part by tourism dollars?

I'll skip a bit because I've only got a minute. Insurance rates are stopping people from putting together schemes to allow disabled people who have no transit and use specialized things like wheelchairs and scooters from renting vans. Insurance is one of the roadblocks. We need help getting through to those who have the money that a partial answer to boosting Niagara's economic bottom line can be accessible tourism and good inter-municipal transit.

We also do not have a convention centre in Niagara that will take people with disabilities. They can come from all over the world and there's no place to put any more than 40, tops, and 40 does not a convention make.

I would like to see the Bill 118 proposed committee dealing with accommodations and transit be particularly mindful of tourism, and I would like to lend my expertise to those committees. I would also like to see this expedited because hotels are still being built in Niagara that are not fully accessible.

I would also like to see as little grandfathering as possible when this bill is passed because hotels and venues that keep out people with disabilities should not be allowed to exist.

I just want to say that I've been waiting for Bill 118 all of my life. I think it's great. It's a wonderful start. I hope I never have to do another Accessible Niagara guide again, because all of Niagara will be accessible. Thank you very much.

**The Chair:** Thank you, Ms. Crabtree. There is no time for questions, but thank you for your presentation and your written material.

#### CITY OF WELLAND ACCESSIBILITY ADVISORY COMMITTEE

**The Chair:** We'll move on to the next deputation from the city of Welland. Mr. Findlay, you have about 15 minutes. As you please, you can make a presentation for the full amount or leave some time for questions. You can start any time you're ready.

**Mr. Russ Findlay:** Good afternoon. I am Russ Findlay, chair of the city of Welland accessibility advisory committee. I am here to offer the viewpoint of this committee, which has in its two short years been the driving force behind several important accessibility initiatives. If I may, some of the larger projects that we have been involved in are: the development of the accessibility design for the city's new \$14-million civic centre set to open in March; the design and presentation of a series of disability awareness training workshops for all city employees; the development of the accessibility design for the city's new \$15-million YMCA set to open this month; and the design of and the execution of the tender for a comprehensive audit of the city's sidewalk infrastructure. This audit looked at short-term, medium-term and long-term methods of dealing with accessibility, safety and connectivity deficiencies in the city's sidewalk infrastructure.

1320

Let me say how much I appreciate the opportunity to share with you our comments regarding Bill 118. May I also thank the McGuinty government and the minister, Dr. Bountrogianni, for moving forward with this legislation. I would be remiss if I did not commend all parties for unanimously supporting the legislation in second reading, and I express our hope that all parties will adopt the same position in its third reading.

We strongly support the section in the act that provides for accessibility standards by regulation. To do so will eliminate the hodgepodge of barrier-free designs across the province. The current reality is such that one is never sure what to expect when one encounters the universal symbol for accessibility, the blue wheelchair on a white background. Currently, the only legislated standard is contained in the 1992 Ontario building code. Section 3.8 of the regulations under that act is outdated and does not address the needs of persons who have disabilities other than mobility. Let me also add that there is no necessity to waste time reinventing the wheel. The city of Toronto and the city of London have excellent, comprehensive, cross-disability accessibility design documents. Each can be easily adapted to fit both large and small barrier removal programs.

We strongly support the section in the act that applies accessibility standards to both the public and private sectors. My most conservative estimate reveals approximately 4,000 persons with disabilities in the city of Welland. My definition of a disability conforms with Statistics Canada's definition as a "condition which limits one's participation in the activities of daily living." As we age and our life expectancy lengthens, the percentage of the population described by this definition is certain to grow. We must take steps, other than relying on appeals to the Ontario Human Rights Commission, to ensure a person's right to receive goods and services without discrimination because of a disability.

May I take a moment to get a drink, please?

**The Chair:** For your information, sir, we do have two people who could assist you and who are available in the room. If anyone needs assistance, we have two staffers available.

**Mr. Findlay:** Thank you very much, Mr. Chair.

If I may repeat what I just said, we must take steps, other than relying on appeals to the Ontario Human Rights Commission, to ensure a person's right to receive goods and services without discrimination because of a disability.

I am aware of cases before the commission involving one's right to accessible transportation. I am also aware of a case before the commission involving the failure of a university to provide learning materials in an accessible format. This university did not provide materials in Braille format in a timely fashion, resulting in the person having to take a longer period of time to complete her degree. To add insult to injury, the university is charging her an extra fee for the extra time necessary to complete her degree.

Statutory rights guaranteed under the code must be immediately available to all. One must not be faced with the lengthy two-year road to fruition that I understand the commission is now taking to hear cases.

We strongly support the section in the act that provides for the enforcement of accessibility standards. Once a timeline is established for the implementation of an accessibility standard, it is equally important for a reporting instrument to be developed. It is logical that the

currently constituted accessibility advisory committees be the agents that should perform this reporting function. This requirement should be delineated in the act, should be confined to reporting, and should not extend into enforcement. To do so would damage the committees' working relationship with the municipality.

Let me also comment on the title of the new act. The current Ontarians with Disabilities Act focuses on the word "disabilities," and in so doing marginalizes persons with disabilities. The proposed title of the new act is the Accessibility for Ontarians with Disabilities Act. Its major focus is on accessibility, and its minor focus on disabilities. This is a step in the right direction. However, it still sets apart from the mainstream those persons who have disabilities. We strongly urge that the title of the new act be changed to the Accessibility for Ontarians Act. Let me illustrate why.

If you happen to be the parents of a child with a disability and your child wants to go to a certain restaurant but that restaurant is not accessible, then your entire family, in effect, has a disability. If you happen to be a parent pushing a child in a stroller, carrying an armload of groceries and attempting to wedge yourself and your entourage through a non-automatic door, then you have as much of a disability as a person in a walker. The number of people in Ontario who have a direct interest in the success of Bill 118 is much larger than the subset containing we 1.2 million Ontarians with disabilities. This subset expands to include parents of kids with disabilities, siblings, children of parents with disabilities, extended families, friends, employers and so on. The government of the day also has an interest in the loss of tax revenue from persons who experience barriers to employment.

We strongly urge that provision for a committee of the Legislature be added to the act to ensure that its present intent does not become altered over time. This committee would report to the Legislature at specified intervals on matters concerning the implementation of the act. This important and regular review process will also identify the progress that has taken place regarding the implementation of accessibility standards and will point to amendments to the act that may not be obvious now but will be in time, as we become more proficient at barrier removal.

As I wind down, may I ask you to glance around the room with me and note that three friends, including one who wanted to be a presenter, are not able to be here because of a lack of intermunicipal accessible transportation. I am certain that they are not alone in their absence. Accessible transportation must receive the highest priority of all barrier-free initiatives. It makes absolutely no sense for every building, every workplace, every service or every premise to be accessible if one has no way to get to it.

**The Chair:** Sir, the time has just expired, if you could wrap up, please.

**Mr. Findlay:** Thank you for your kind attention. I was wrapping up.



On a personal note, I must tell you what a thrill it has been for me to participate in this process. This is a new statute. This is the formative stage, and I am very pleased to be a part of it. Good luck in your deliberations.

**The Chair:** Thank you very much for your presentation.

1330

#### CITY OF NIAGARA FALLS

**The Chair:** We'll move on to the next presentation. From the city of Niagara Falls, Dean Iorfida, if he's present, please.

You can have a seat, sir. Again, a reminder while you get ready that there are two people available to assist anyone who needs assistance. We also have translators; therefore, we are providing that service too.

There is a total of 15 minutes, maximum, for your presentation. We did discuss the purpose of our meeting already at the beginning, but I'll repeat it, if you don't mind. We are dealing with Bill 118, the Accessibility for Ontarians with Disabilities Act. We have, as you know, approved second reading in the House, with the three parties supporting it, and we are here to hear the people's opinions and views on the matter so we can do what's necessary to do the best that we can for Ontarians. You can proceed, sir.

**Mr. Dean Iorfida:** My name is Dean Iorfida. I am the city clerk for the city of Niagara Falls. I also happen to be the staff liaison with the city's disability advisory committee. We've kept the name "disability advisory committee." Our committee hasn't really had a concern with that. They're more concerned with getting things accomplished.

I don't purport to be an expert in these issues. I'm not a member of the disabled community, so what I'm saying today is learned and observed from the input of the people on my committee.

The city's disability advisory committee has been around since 1997. We've had representation from various associations in the community: post-polio, brain injury, Tourette's, CP, MS., CNIB, and a number of other acronyms that I won't mention at this time. Our committee was fortunate enough to meet with then-Minister Jackson during the ODA consultations. I would like to think that the existence of our city committee and similar committees throughout the province led to that requirement in the original ODA.

I would like to talk about the ODA very briefly; I know we're here for Bill 118. Our committee welcomed the ODA legislation. I think the attitude, probably throughout this room, is, "Anything is better than nothing." I guess it was a start. We did have concerns with the ODA legislation. I think the one criticism that our committee had was that it was only applicable to matters within the control of the municipality or the province. It did not mandate accessibility plans or measures for the private sector.

Our committee has had surprising success dealing with the private sector and has concentrated much of our

efforts on things like improving handicapped parking, access to professional and medical buildings, and raising public awareness. Even though these were not mandated by the ODA, our committee continues to pursue those goals. Also, the act was limited, like I said, to things within the control of the municipality. Very few municipalities are building new buildings, so therefore the applicability in the ODA was limited.

As far as Bill 118, I guess I would reiterate that anything is better than nothing. The fact that the provincial government is looking at strengthening the legislation can only be welcomed. Whether it's enough, I guess that's the type of input you're gathering today.

I've got some legal background; I found the act tough sledding to get through. When we brought it up at the committee, one of our members said, "Gee, it's nothing I can get too excited about, pro or con. I'm not really sure." I think that might be one of the difficulties: trying to take the written word on the page and figure out how it's going to be applied, and how successful it's going to be. Clearly, the biggest pro that the committee and I see with the legislation is the fact that the accessibility standards are now being applied to persons and organizations in both the public and private sectors. That's crucial, and I think that will be the major plus of the proposed legislation. The accommodation for the minister entering into assentive agreements, I think, can only help with increased accessibility in the province.

I don't want to say that the next things are cons; they may be things that just need to be worked through. The one main focus of the legislation seems to be the standards development committees, which are defined in the bill as "establishment of several standards development committees. Each committee is responsible for developing proposed accessibility standards for a specified industry, sector of the economy or class of persons or organizations."

Just reading those words on the page, I found all kinds of questions popped into my head. How is a sector or industry defined—

**The Chair:** Excuse me, sir. Could you slow down slightly, please?

**Mr. Iorfida:** Certainly. How is a sector or industry defined? What's a restaurant versus a fast-food joint versus a bar? How do they fit in? Will one of these standards development committees apply for all of those?

How do you get some uniformity sector to sector? We've found, surprisingly, that things like professional medical arts buildings are really low on the accessibility standards. You would figure that would be an industry that would be leading-edge. So how do you make sure that an industry or sector that's lacking in accessibility gets up to speed with some of the leading lights or the people that are proactive in the business community?

Then, how are these standards going to be articulated down, especially when you get to a mom-and-pop operation? They are really concerned about making money and trying to survive, and for anybody who's had

a business, it's tough. How will they even know that these standards are in place?

In the act, under contravention of the act, there is a "may." It says the minister "may" appoint inspectors. I think it's crucial, for the bill to be successful when it becomes an act, if it does become an act, to have provincially appointed inspectors. I'll put my hat on now as a municipal employee: I think if this gets downloaded to the municipality, it'll be tough for the municipality to juggle that with its other enforcement responsibilities.

I realize that a lot of drafting in bills has to use "may" instead of "shall" just for protection. It says that the Lieutenant Governor in Council "may" make regulations. I assume that will happen, and I think that's necessary.

As far as the "shalls," I did note from a municipal point of view that for site plans now the advisory committees and the municipality "shall" make comments, as opposed to the ODA, in which it was just suggested. I think that's probably a good idea.

One thing my committee has told me over the years that they feel would be most crucial in improving accessibility in our community has nothing to do with the ODA or other legislation. It actually has to do with strengthening the Ontario building code. My understanding, from the input I get from the people on the city's committee, is that the Ontario building code is lacking compared to standards found for federal buildings in the Canadian legislation and in the comparable American legislation. I realize that what's proposed in Bill 118 may be a little more all-encompassing, in that changes to the Ontario building code would only cover buildings and might not get into other issues of concern to the accessibility community, but I think that would go a long way toward having uniformity between industries. When they go in, when they have to build the building or do renovations, if the standards are higher, then I think that will make a level playing field.

1340

I would hazard a guess that you've received lots of input from people today, and probably in other municipalities you've been to, talking about things that aren't even necessarily in Bill 118. I think there are a lot of concerns in the disability community about issues like intermunicipal transportation, service dogs and those sorts of things that aren't currently covered in the legislation.

You've probably done some consultation previously, but maybe the best approach would have been to consult with the local communities and accessibility committees, then propose the legislation, and then bring it back. That might be too time consuming, but obviously this is long-term legislation. The long-term standards you have identified in the legislation call for standards by 2025. That's seems quite a long ways away.

I guess I'll close with the same caveat I said before: Anything is better than nothing. Our committee is pleased that the province is seriously looking at strengthening the legislation, and anything is better than nothing. We would like to see something passed. Let's get on with

it. Our committee and I'm sure all municipal committees are more than happy to provide input now and in the future.

**The Chair:** Thank you very much for your presentation. We have about a minute and a half each for questioning.

**Mr. Jackson:** Thank you very much, Dean, for your presentation. I concur with a lot of the concerns you've raised. As you know, the current ODA calls for penalties, codes, regulations, guidelines, all of those, which we didn't have developed three years ago. We do have that provision currently today. The problem is, for the last year and a half no regulations have been brought forward, including the \$50,000 penalty clause which was supposed to be proclaimed, section 21.

That would have given your access committee a whole series of opportunities. I realize that if it takes another six months to a year just to get this legislation passed and to get the guidelines out and then regs and then another year to start working with the priority, we could be four or five years from the time the ODA was originally done. That's a concern I have.

Do you not think the government should be bringing in immediate regulations, which it has under the current law, and enforcing those, which they can do in the current ODA? The bureaucrats have informed us that they've been instructed by the minister to only work on a new bill and not enforce the current one.

**Mr. Iorfida:** Mr. Jackson, I think I agree. My buzzwords there were "anything is better than nothing." Yes, let's get started on these things. Let's put some regs in place.

When I was reading the bill, I noted there was a section that talked about initial proposal, then there would be a review of the initial proposal, then public consultation. Also, there was re-examination of long-term objectives. I know you have to have consultation and you have to engage the public, but you could end up in an endless cycle. So if there is a possibility to get regs approved and in place so that they can be applied as soon as possible, that's obviously preferable to the local community.

**Mr. Marchese:** Thank you, Dean. I probably used similar language when I debated this bill. I might have said, "This is better than a kick in the teeth," and I usually say that, but there's so much more that one should do.

The government was so proud. They called it historical and they used such language. I thought it was weak, but they prefer to say it's historical. You think they're interested in strengthening; I'm not sure, and that's why we're here. It's important to hear from people like you about what changes we need to make.

I agree with you on the issue of inspections. The government chooses language that says the minister "may" appoint inspectors. We think they should. If people in this room agree with that, they should say that, as you did.



With respect to compliance with standards and review of reports, “A director may review an accessibility report filed under section 14....” We think a director “should” review and they shouldn’t “perhaps” review or not review them. When people agree with these things, they should tell the government members so they can pass it on to the minister when changes are being considered.

I happen to be one who believes that 20 years is too long. If people in the room feel that 20 years is too long, they should say it. My view is that 10 years would do it, but I’m willing to give the government some slack and say maybe 12 years would do it. Let’s bring down the span from 20 to 12. What do you think, Dean?

**Mr. Iorfida:** I think that would be preferable, Mr. Marchese. When anybody from my committee read the legislation, there was nothing that jumped out at them that said, “Yes, OK, that’s going to move us forward.” As mentioned, I think 2025 seems like a very long time away. We know governments will change. Who knows what the government of the day’s priorities will be? That just seems too far away.

It’s interesting that you mention the plans, because I noted that one of the penalties was that if you haven’t done the plan, then you may be forced to do the plan. That almost sounded like homework to me.

**The Chair:** Thank you very much. Any questions? Yes, Mr. Craiton.

**Mr. Craiton:** Dean, it’s nice to see you here.

**Mr. Iorfida:** It’s nice to see you, Kim.

**Mr. Craiton:** I do have a couple of questions. The one thing I will say to you, Dean—and I’m glad you used the word “downloading,” because I heard it regularly in 13 years on city council. That’s not the intent of the bill. The intent of the bill is to make Ontario much more accessible. That’s a commitment I make as a representative. It’s not what this is all about.

Dean, there are just two questions. One deals with the standards. You talked a little bit about standards. A previous speaker, one or two before you, Linda Crabtree, has a wealth of knowledge on standards that should be in place in the tourism industry and the benefits of it.

I guess the point I was making to you—what I’ve learned is, there are no standards. There was never anything in place prior. I’m not being critical of the other bill, but what they’re trying to develop is a set of standards for all these different sectors, whether it’s accommodations or goods and services, so that there’s a standard across the province.

Don’t you think you’d want a level playing field for everybody who’s affected? One gentleman said—and he was eloquent in the way he said it—the disability sign can mean one thing in one community and another thing in another community. Wouldn’t you agree that logically it is the right step to get standards in place and to have the disability community as part of that process?

**Mr. Iorfida:** Definitely. As I think I mentioned, the big pro I see of this legislation is the fact that it’s bringing the private sector finally into the fold, which wasn’t the case with the original legislation. Now the

difficulty is the implementation. I can appreciate that it’s got to be a very tough task for the government to implement it. How do you implement it? How do you get the word out? Hey, make me a believer. Make me a believer that these standards development committees will work. On paper, I’m a little skeptical, and I’m sure some other people are skeptical as well. If you show how this is going to work, you may get buy-in; at this point, not yet. But show us.

**The Chair:** Thank you very much for your presentation.

JIM HOFFMAN

**The Chair:** We’ll move on to the next presentation, Mr. Jim Hoffman. Is he here? Please come forward, sir.

While you take a seat, I want to introduce to you the two individuals who are here to assist anyone who needs assistance. Both of them are sitting at the back. They are Brent and Jennifer. They are showing their hands. In case you need assistance, please ask them and they will be happy to assist you. Thank you again.

Mr. Hoffman, during your presentation, if you can keep in mind that everybody wants to appreciate your presentation, and there is some translation taking place. Thank you. Please go ahead, sir.

**Mr. Jim Hoffman:** Mr. Chair and panel, I came here to address a slight disability issue. Mine isn’t a physical disability; mine concerns epilepsy and access to a fair assessment in a workplace about whether you can or can’t, or whether they want to throw your resumé away without even giving you a fair shake.

1350

I’ll give you a little bit of my background. I’ve been employed in the machine trades and mechanical for over 20 years, and just prior to the onset of this I managed to make it to the Canadian Coast Guard as a sailor. All were exemplary job performance reports in every instance, and then I had my first seizure on board the ship. This, of course, generates a WSIB claim. They call it a general accident, even though there was no accident and no time lost, no claim filed. There was a safety issue raised and they were going to remove me from the ship, but they argued, because there was no family history at the time, to let me stay aboard and if everything worked out fine, OK.

That was all well and everything sat fine until the seizures started becoming even more apparent. They really progressed to a bad point a year later and I had to advise the employer that I could not continue with that, as I’m under a federal regulation. It’s part of Transport Canada. I’m heavily regulated by it and I have to be able to pass certain physical and other things. It’s a dangerous occupation and you don’t have access to 911. I also suffer from Crohn’s, which is sort of a side complication, but it really isn’t the main issue here; the epilepsy is.

Everything was fine, like I said, up until August 2002. I was unfortunately in front of a paramedic truck and they witnessed one of those seizures and took me to the

hospital, resulting in an emergency treatment procedure and notification of the doctor. He turned around and notified the Ministry of Transport. As a result, I even lost my driver's licence over this. It took 20 months just to get that back, from that period, 14 months from the date of the last seizure, even though it technically is only supposed to be 12. It's based on all your test results plus the amount of time that you have to go through this procedure. I couldn't do all the required tests within the 12 months due to access to medical facilities—the MRIs are booked, the EEGs are booked, and things like that. I did get in within a short time.

I went back to school during this time off and obtained a grade 12 to try to get something on shore in the event I was never able to get back with the marine industry. What I started encountering were resumés, and I have a copy of one application here that asks for consent to medicals within this province, which is unregulated for this; it's a company medical. The problem I have with it is that I have to pay for it and subsequent ones at their discretion, if hired. It's only for menial employment, which really isn't a security or safety risk of any sort. I only had a grade 10 but, like I said, I followed up in school with a grade 12, which made me a candidate for this type of work; it's almost required today. I was kind of distressed to find more and more of these are asking for company medicals, but in Ontario we don't really have a standard. I do have that standard in the marine industry in the fact that it's federally regulated and Transport Canada itself is a third party adjudicator. The shipping companies don't really care about my past history, as long as I can pass the medical. However, these companies all have their own doctors. There is no standard, I am finding. It's at their will, when they want. Even though I am now seizure-free on controlled medication, there's no guarantee that that's going to continue forever.

I have passed two years seizure-free and Transport Canada has granted me an unrestricted medical examination with no restrictions to return to the ship. They originally put them on and made me unemployable there. In the cases of taking shore employment, I'm finding, like I said, that I cannot make any headway here. If I check off the box consenting to a medical, according to Epilepsy Ontario—I've got lots of brochures from them—there is a lot of grey here as to whether I should disclose or not disclose. I don't wish to be deceitful about this, because it's not something that's going to be invisible should it happen. It's going to be very apparent, it's going to cause somebody alarm and it may result in a dismissal, and it will be a non-unionized workplace. It may affect employee safety in a larger organization.

I'm really concerned about the fact that there is no provincial standard regulating these or scrutinizing these for some kind of fairness. I have decided to return to the marine industry, as I said, and at least I have a third-party, impartial adjudicator here. As a result, the employer will not be directly involved with this.

My insurance cost for my car is totally prohibitive now. I probably will not be driving again, even though the Ministry of Transportation has granted my licence back. But one call to my insurance company certainly clarified matters. Public transit for me is a must. I try to remain physically active by biking around. The problem is that some of these employers are not really on transit routes. They're out of the way for my type of qualifications. An example would be our south end industrial complex, which as of this summer past just had its first trial procedure with Niagara Transit to get a bus in there. Other than that, for me it would have been about a two-mile walk, had I been accepted by an employer in there, and that's after taking a bus ride.

Really, my issue here is that shift work is out of the question, due to the fact that transit is not always available at those hours. Hopefully, I can get closer to an employer if I have to do it onshore again. If a seizure does happen on board ship, I will be pulled off it and given another two years of tests and so on and so forth to clear before I will even gain access to it again.

That's basically it in a nutshell. Any driving job—they don't always mention driving on job postings and you find out in an interview, and sometimes it will set you right back and cause you to refuse it; you have no choice except to disclose and say, "Thank you but no thank you."

Like I said, for me, most of it is a transit issue; it's indiscriminate use of medicals as a screening procedure with no set standard, unlike the federal government, which does have a third-party judicial body there with the power to do that.

Other than that, I'm fine. Like I said, I've been seizure-free for two years, and I've been knocking on a lot of pieces of wood hoping it's going to stay that way. I'm on a minimum medicine regime. The biggest problem most employers have with that type of thing is following through with it. That's another issue, of course: They'll know about it when you start filing claims for benefits. That's another reason why you can't be deceitful with this.

If there are any questions—I can't really make it much plainer than that. I do have a long history in files on my computer and lots of correspondence back and forth trying to get this all cleared up, one by one. Each employer who makes me do this will generate even more paperwork; hopefully, I don't have to. I do have an exemption—two years from February 5, 2003, which will be this Saturday—to take this unrestricted medical, and hopefully I can regain my employment aboard ship.

**The Chair:** You just used the full time; there are about 30 seconds left. I thank you for your presentation.

Yes, Mr. Jackson?

**Mr. Jackson:** Does the clerk of the committee have Mr. Hoffman's address where we can get in touch with him? I'd like to send a copy of this Hansard to Keith Norton, the Ontario Human Rights Commissioner, for clarification on the point he raised. That was a very distressing testimony and something I had never heard of



before, and I would like to be able to have the chief commissioner correspond directly with Mr. Hoffman.

**The Chair:** We do have the address.

**Mr. Jackson:** Mr. Hoffman is here. If I can get your address, sir, I'd like to pursue that for you personally. I'll come and see you. I want to get that in the hands of the chief commissioner as quickly as possible.

**The Chair:** We do have it available, and of course you can get it from the gentleman.

1400

#### MULTIPLE SCLEROSIS SOCIETY OF CANADA

##### NIAGARA PENINSULA CHAPTER OF HOPE

**The Chair:** The next presentation will be the Multiple Sclerosis Society of Canada—Niagara Peninsula Chapter of Hope. Again, you have a total of 15 minutes between presentation and questions. You may start any time you're ready.

**Ms. Katie Kidd:** Thank you very much. I'd like to introduce myself. My name is Katie Kidd, and I'm the executive director of the Niagara Peninsula Chapter of Hope, which is the Niagara chapter of the Multiple Sclerosis Society of Canada. My main purpose here today is to introduce our primary speaker. In addition to that, there are several introductory comments I'd like to make in preparation for Ian's presentation.

First, on behalf of the chapter and its membership, board of directors and staff, we would like to make a very strong statement commending the government for introducing Bill 118. The changes that it involves over the 2001 act are most encouraging to those of us here in Niagara. We are also most grateful for the unanimous support of all three parties on second reading of this bill.

What is very important for us—for the sake of not being repetitive and respecting that you have been in Toronto during the early part of this week—is that having reviewed the submissions of the Ontario division of the Multiple Sclerosis Society, as well as the Ontarians with Disabilities Act Committee, on behalf of our organization, Ian and I would like to strongly mention our endorsement of their submissions, rather than re-commenting on them today.

It's my honour to introduce our primary speaker. Ian Greaves is an individual who has dealt with multiple sclerosis for 24 years. In addition to being extremely active in the Niagara region on a wide variety of committees addressing the issue of disabilities, we've also been most fortunate to have him as a critical member of our board since 1996 and as board chair for the last three years.

At this point, I'm going to turn it over to Ian, as he has some very particular submissions specific to the Niagara region, and I'll allow him to comment on those.

**Mr. Ian Greaves:** Thank you very much. I'm very pleased to have this opportunity to address the committee today. I'm going to focus on a local issue that has broad implications. It has the potential to affect millions of

people with disabilities and has economic implications for this city. I'm going to talk about people with disabilities visiting Niagara Falls.

More than 14 million people visit this city each year. This includes about two million tourists with disabilities. Two thirds of our visitors come from the United States. American visitors with disabilities are disappointed with conditions on this side of the border. At home, they've now enjoyed 15 years of life under the ADA, the Americans with Disabilities Act. What they see when they come over here is that we're still far behind what they're used to. Simply cross over the Rainbow Bridge into Niagara Falls, New York, and you'll find that even a small Tim Hortons outlet—something quite tiny by our standards—has fully accessible washrooms that are really superior to anything we see in the province.

When visiting Niagara, one of the highlights is enjoying the view of Niagara Falls from Queen Victoria Park. The parks commission does a superb job maintaining this park, but accessibility unfortunately is awkward. The people-mover is not accessible and there is no alternate transportation around the park for people with disabilities. It's difficult, really, to find a convenient place to unload a scooter from the van. The park and its attractions require a comprehensive accessibility review. I give more details on what this could entail in the appendix to the report that's been submitted to you.

A crown agency, the Niagara Parks Commission, operates the parks system and many attractions along the river. Unlike ministries and municipalities, crown agencies have not been required to prepare accessibility plans under the ODA 2001. The result is that the parks commission has not reviewed its activities and remains insensitive to issues of accessibility.

I'm going to tell you about a personal experience I had last July. I was attending a public meeting promoted by the parks commission. Sadly, this experience demonstrated the commission's lack of awareness of issues of accessibility. I attended a public open house in July at a building that could only be entered by a steep flight of stairs. When I arrived at the meeting using my scooter, I had a major problem. I was forced to scramble up the stairway using the handrail while two senior managers of the commission carried my scooter up to the top of the stairs. This was an embarrassing experience for all of us, but we were making the best of it. It was embarrassing also for the chairman of the commission when this experience was raised during the meeting.

My impression, as a person living in Niagara Falls and someone who frequently drives through the park, is that you don't see many people with disabilities enjoying the area. I feel this could be the result of the lack of attention by the parks commission to the needs of people with disabilities.

I want to make it clear that the parks commission does a superb job in maintaining the environment and looking after the park and the gardens, but I feel it really can be improved when it comes to accessibility. In fact, I see that potentially 15% of the market—in other words, it's

two million visitors we're talking about here—is being ignored, and this is just plain bad for business. To put this two million in perspective, when we talk about the act being considered, we generally refer to the 1.5 million Ontarians with disabilities across this province. What I'm suggesting here is that there are another two million with disabilities coming into the city each year, and I think it deserves some attention.

This past year, we have heard repeatedly from the parks commission of the urgent need to increase revenue at their various attractions. I'm suggesting that the commission could solve part of this problem by making facilities more accessible and ultimately promoting itself as a destination for people with disabilities.

You might wonder here why on earth this issue has not been raised directly with the commission. The reason is that they do not allow for public participation. They meet privately, and in fact they don't even allow the press to attend their meetings.

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I have two recommendations:

(1) During the transition period from ODA 2001 to Bill 118, crown agencies should be required to prepare annual accessibility plans; and

(2) Bill 118 should mandate accessibility requirements on agencies such as the parks commission. I believe it will do that ultimately, but I just had to raise this to make sure it's covered.

That's all I have to say.

**The Chair:** We have about a minute-plus each, and Mr. Marchese will start.

**Mr. Marchese:** Mr. Greaves, thank you, and Ms. Kidd, thank you as well. What you properly identified with respect to the parks commission is symptomatic of a universal problem, I think. While you speak to that, you're speaking to so many other institutions across the board, I suspect.

**Mr. Greaves:** That's correct. In no way am I wanting to pick on them.

**Mr. Marchese:** No, of course.

**Mr. Greaves:** It's a very common issue, as you suggest.

**Mr. Marchese:** The question I have for you—I'm sure you've been involved in issues of accessibility and discrimination against people with disabilities for a long, long time.

**Mr. Greaves:** Yes.

**Mr. Marchese:** With respect to this particular bill, what can you recommend to the government in particular, because they are the ones we need to convince about how we strengthen this bill? What can you recommend by way of the bill we're dealing with that would make it much better or more effective than it currently is?

**Mr. Greaves:** Dealing with the specific issue that I've raised?

**Mr. Marchese:** No, generally.

**Mr. Greaves:** Oh, generally. Well, it really boils down to a planning exercise and having consultation with

the community of disabled people to get ideas. The issue I've raised here with the commission really does not entail a large expenditure of money. It requires a careful planning exercise and coming up with a program. I think it's really very much a matter of thinking and working it through with a plan. So I would suggest more of these planning exercises that we've been going through with municipalities and ministries, such that we can look at the situation and lay out an orderly approach with priorities, and handling it that way.

**Mr. Craiton:** Just a couple of comments, Ian. One is, under the proposed bill, the parks commission will fall under that responsibility, which it doesn't right now. Two, I just want to make this commitment to you: I wasn't aware of this, so I thank you for bringing it to my attention. I will personally be in touch with the parks commission myself tomorrow. I'll contact the chair, Jim Williams, and I'll also get in touch with the general manager, John Kernahan. While this process is continuing, there's no reason why we can't go ahead and make some changes. As you said, it's the most recognized place in our community for people who come in as tourists, so I will do that. For the sake of Hansard, I want it recorded that I will take that forward for you.

**Mr. Greaves:** That would be much appreciated.

**Mr. Craiton:** Finally, I'm really pleased you spoke, because you know that Caroline Di Cocco has introduced into the House, and I have been supporting it, this transparency bill, which will make all agencies like this open, accountable and accessible to the public. I'm talking in terms of their meetings being available for you to come in and sit and listen, to express your views, for the media to participate, to see their financial situations. That's a law that doesn't exist anywhere I guess in Ontario and probably Canada; it's going to be the first of its kind. So I'm pleased that you sort of spoke to it in a roundabout way. Thank you so much.

**Mr. Arnott:** Thank you very much, Mr. Greaves. I'm sure you're pleased with the response of the committee members to your presentation.

**Mr. Greaves:** Yes.

**Mr. Arnott:** I think the points you raised are salient ones that needed to be raised in the public forum, and the way you've done it has been particularly helpful.

I'm our party's tourism and recreation critic, so I'm well interested in these kinds of issues. You've pointed out the fact that approximately 15% of the population is disabled; therefore, we can assume that approximately 15% of tourists are probably disabled, and we need to do more, as an economic opportunity, to ensure that those tourists are looked after properly and want to return as well—all good ideas.

Thank you very much for your presentation.

**The Chair:** Thank you very much.



## COMMUNITY FUNCTIONALITY FACILITATION INC.

**The Chair:** We'll go to the next one, which is Community Functionality Facilitation Inc. While you are taking your seat, may I remind you to please moderate your pace so that all the people in attendance are able to understand and appreciate the presentation. You have up to 15 minutes for your presentation. You may start any time you're ready.

**Mr. Ben Bishop:** Good afternoon, ladies and gentlemen. As Community Functionality Facilitation, we are very happy to get the opportunity to talk with the committee today. We do have PowerPoint, which we are going to be utilizing to assist us in presenting today.

**The Chair:** We have two pieces of material that you gave us, so I believe your presentation has already been provided to us.

**Mr. Bishop:** Yes. Our whole focus as CFF is basically to hook people up with services to go from A to B to C. We facilitate people going from colleges and universities to the workforce, or people coming from high school and going into college or university or an employment situation, and basically go through all the different applications they need to go through and create, as we've included in our brief, a life plan to help them access these services and help the services access the clients as well. It's a two-way communication system.

**The Chair:** For the record, can you please identify yourself?

**Mr. Bishop:** Sorry. My name is Ben Bishop. I'm the president of Community Functionality Facilitation. My co-presenter is William Shmuir, vice-president of Community Functionality Facilitation.

The main issues we're going to be looking at are inclusion and service hookup, technology development and the potential benefits of the AODA within that spectrum.

The first thing we're looking at is inclusion and service hookup, and the biggest problem we have seen while we've been trying to facilitate our clients from A to B is consistency in communication. One of the biggest issues we see is that there are so many different agencies and so many different ways that they do business with each other—and you also have the fact that they compete with each other for resources—that it's very difficult for them to communicate. We come along and say, "We're there to work with the client, with the person. We just want to share information with you and with the other services they're being hooked up with so they can be accommodated in the various environments." The problem with this is that very often, certain things don't get communicated or certain assessments are missing or there are certain things that just don't get done that complicate the transition from service to service.

We at CFF are a non-profit organization. We are completely volunteer. We're federally mandated, so we're a federal non-profit, which allows us to communicate with all the various levels of government. But what happens is that we have to do a lot of footwork to go to different

agencies to collect the information. We do that, but that does slow down the process. Traditionally, when agencies have had to do this on their own, they've had a lot of problems because of the fact that they don't have the time to go to the different agencies and collect all the information. They don't have the time to go through all the different application processes either, which is also a major stumbling block for people, especially, as was mentioned, with ODSP and ADP, knowing what bursaries and different grants they are capable of getting when they go into post-secondary education. So all that needs to be looked at.

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In that respect, I think the AODA would really go a long way in improving that communication, because it actually facilitates that. For the life plans that we do, it actually facilitates us to communicate with these people. This will in turn reduce the wait list for services. The life plans we have developed will allow for quick and easy access to information for each service and, again, allow for wait lists to be reduced, because as you reduce the time it takes to process a claim, you reduce the time it takes to implement it.

The other thing we need to start looking at is the people, the whole person; not just the disability, but how that person will interact within the society as a whole. So you're looking at things like if they're going to go from university to college, or they're going from university to college to employment. You have to look at each step. Each area these people will access has to be looked at, or else it's just not going to work because you don't have that consistence of communication; it's not there.

With technology development, we have to start looking at areas of universality. The problem with technology, the way it's going now, is that it's very specialized in each and every area. As an example, my colleague has a JORDY device that's designed for people with visual impairments. The fact that it is so specialized and so customized to one disability group means it works really well for that disability group, but the problem is that it's very specialized and therefore not mass-produced. If it's not mass-produced, then the cost of the device goes up.

What we're using here for the presentation is actually what's called a Tablet PC. We've developed this in conjunction with Toshiba, Microsoft and McMaster University as a universal device that all disabilities will be able to connect to. So you're not dealing with one particular device for one particular disability group; you're actually dealing with one device that can be used for all disability groups. If we can start developing technology that can be used in more than one platform and more than one disability group, then it will cut costs immensely for the technology and make it available a lot quicker because you can then start mass-producing it. Then you can start getting a population that would actually be able to make use of this in a much timelier fashion, which would relieve the assistive devices program in their claim process and make better use of the grants within the

university and college systems because you could actually get more equipment to the people much faster. The more mass production, the quicker it is to develop and the quicker it is to actually get out on to the floor. The fact that the ODA and the new AODA actually have the provisions for that development is really a significant step forward.

The other thing that we also have to worry about with technology—and I'm just going to go over this quickly—is currency of information. One thing we do is go to all the trade shows and all the different technology shows and showcases to see what's coming out from the United States, Canada and Japan, but a lot of agencies don't have time for that. They don't have time to send people out to learn about all the new technologies coming out. Consequently, they can be a year to two years behind. That can be fatal, especially when you're trying to deal with issues of accessibility.

I'm going to go through the role of the ODA. The biggest thing we see with the role of the ODA, again, is communication. It facilitates communication between agencies and between the public and private sectors. That, I believe, is probably the biggest advantage that we would like to see.

The other thing we have is general enforcement. We like the idea of having mandatory enforcement and compliance fines and the inspector system and all that being put in place. We think it's very, very necessary.

We think that the Accessibility for Ontarians with Disabilities Act would be very, very positive. It will be a huge step forward for Ontarians, and especially for people with disabilities. But that should not be where it stops. There still has to be a lot more done during the implementation procedures and the implementation plans to facilitate that communication.

Right now, our direction is compartmentalization. We have to get out of that compartmentalization stream. We have to go into a co-operative, communication-sharing system, or else it's just not going to work. Everybody has to be on the same page; right now, they're not. The competition system is just not going to work.

I'm going to hand you over to my colleague Mr. Shmuir, who's going to talk very briefly about some of the challenges that we've had in dealing with treatment of people with disabilities.

**The Chair:** There are only three minutes left in the presentation, sir.

**Mr. William Shmuir:** OK. I'll make this very brief.

Once again, a lot of the problem with service hookup is communication. A lot of times within big institutions like the education system and universities and colleges, there are so many departments, regulations and policies that the communication isn't transferred, which can create barriers to providing the services to our clients and to looking at the whole person. When it comes to service hookup, we have a tendency to look at a person as a whole; not just through the education system, but also in the workplace and at home.

A lot of the barriers that we've had are: lack of knowledge of the legislation that's out there, believe it or not; attitudinal barriers, which are always consistent; and simply the desire to ignore the laws that are out there.

For the conclusion, I will pass it over to Mr. Bishop.

**Mr. Bishop:** As you can see, the biggest stumbling block that we have had, both internally, within systems, and externally, has been communication. We're really hoping that the Accessibility for Ontarians with Disabilities Act gets passed so that this communication can be opened up between agencies and between ministries. Until the private and the public sectors and all of the different sectors of service development and implementation, as well as employment, get together on the same page, there's still not going to be any way of implementing any significant change. Everybody has to be on the same wavelength. They all have to be communicating the same thing, and the only way to do that is to make sure that the information gets passed from point A to point B and that the facilitation support for each of the clients and each of the companies and employers and each of the educational and government institutions is in place.

So communication and co-operation are key. All of us have to co-operate, and all of us have to communicate.

With that, we'll wrap it up.

**The Chair:** Thank you for your presentation. You're right on the dot for the 15 minutes.

#### NIAGARA REGIONAL COUNCIL ACCESSIBILITY ADVISORY COMMITTEE

**The Chair:** We'll move on to the next presentation. It's from the Niagara regional council accessibility advisory committee. Are they in the room? Sir, as you take your seat, I'll remind you that we want to make sure that everybody appreciates your presentation, so please keep that in mind. You have a maximum of 15 minutes. Whenever you're ready, you can start.

Another reminder is that there are two people at the back available for anyone who needs assistance. Of course, we are having translations for everybody's needs.

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**Mr. Willy Noiles:** Thank you. First, I'd like to thank the Ontario Legislature for granting public hearings on this important bill, and we extend our appreciation to the clerk's office for ensuring we had an opportunity to speak this afternoon.

For the record, my name is Willy Noiles, and I'm here not as a journalist, but as a member of Niagara region's accessibility advisory committee, a committee of which I've been a part for the past two years. As with every member of our AAC, I take the issue of disabilities and disability legislation seriously.

For us, Bill 118, the Accessibility for Ontarians with Disabilities Act, is an important step forward. Finally, we have a piece of legislation with teeth. The previous government's ODA was also a step forward, albeit a small step. But it did have two positive features: It established AACs in most municipalities and ensured that each AAC



prepared an accessibility report each September. As an AAC member, we consider these accessibility reports essential for ensuring some form of accountability from our local councils.

In many cases, this was the first time municipalities and other public sector organizations had to actually consider persons with disabilities in their planning. It was by no means a roaring success, but in Niagara our AAC did achieve some positive increments. Front-line regional staff participated in sensitivity and awareness training—training that many wish had been even more detailed. This we considered a big step forward because in our first year, having examined a survey of accessibility put together by regional staff, we quickly realized many of them were unaware of the challenges faced by those of us with disabilities. In this coming fiscal year, this training is set to include both senior staff and regional councillors. As Minister Bountrogianni herself has stated on many occasions, education is essential for removing barriers.

The ODA lacked one important factor: any penalties. This became evident to others and myself in my local ward when we went to vote in the 2003 municipal elections. Although the ODA had been in force for a year at that point, those in the clerk's department at the city of St. Catharines failed to ensure the polling stations were accessible. To think that in 2003 citizens were disenfranchised from casting their vote in a municipal election, the area of government with the most direct impact on their lives, was, to my way of thinking, reprehensible. Unfortunately, all we could do was try to impress upon city staff the necessity of ensuring every citizen is able to access their polling station.

Luckily, as a journalist, I'm able to do a column each week and I made sure to take city staff to task in a column. I also made a point of raising the issue in any conversations and interviews I had with successful candidates. But most persons with disabilities do not have that kind of access. All most could do under the ODA was simply complain.

In a perfect world, the municipality would have taken steps to ensure people could vote at home, if need be. The ODA did allow this but once again it wasn't demanded. As with much of the ODA, it was simply suggested.

I raise this, not to unnecessarily criticize the clerk's department of St. Catharines again, but to point out a very real shortcoming in the previous legislation. If anything in that act should have been enforced strenuously, it was the right to have access to vote. For any democracy to function successfully, all citizens must be able to cast their ballot at election time.

On the subject of penalties, we're happy to see some real penalties in the AODA. As has been demonstrated time and again that unless there are penalties, there are always going to be individuals and organizations who will flout the law. But in order to ensure the spirit of the legislation is followed, it'll take inspectors to ensure

standards are met, and it's here where I raise my first concern with the AODA.

While the legislation speaks of the need for inspectors, we all know from past experience that when a government is trying to cut spending, one of the first areas they cut is in the area of enforcement and inspectors. We've all seen the erosion to environmental protection after a previous government cut enforcement in that area. If the AODA is to be successful, government cannot skimp on enforcement and inspectors. After waiting this long for legislation, the last thing any of us wants to see is an erosion of the very few rights we've been able to achieve up to this point.

Our biggest concern with the AODA, however, is the amount of time it will take to reach that promised land of a truly accessible Ontario. Twenty years seems, by most definitions, far too long. When speaking to members of our AAC in preparation for this presentation, each one mentioned this delay. Sadly, many in our committee and in our community, myself included, could be dead by the time this legislation is fully implemented. This doesn't need to be the case.

One of the biggest factors for the delay, from reading the legislation, would appear to be the amount of consultation and study that would take place in the years to come. While we all wholeheartedly applaud Minister Bountrogianni and the government for ensuring persons with a disability have a place at the table, we wonder when enough consultation and study is enough. In some ways, this legislation seems to be ensuring that people will be debating it years after it receives royal assent.

In order to speed up the process, how about having the Accessibility Directorate of Ontario or ministry staff draw up standards in consultation with the standards development committees this legislation will create? From there, these standards could be communicated to the affected agencies for feedback. All this could probably be accomplished within six months, but I fear from the wording of the legislation that these standards development committees could be arguing certain standards for months before sending them for further consultation, which could take several more months.

Another factor in this delay could prove to be the Accessibility Standards Advisory Council formed as part of the legislation. In reading this section, I found myself wondering, why the need for yet another layer of administration? Even from the legislation it would appear that the Accessibility Standards Advisory Council, whose members will have some form of remuneration, adding unnecessary cost, is performing some of the same functions as the Accessibility Directorate and the aforementioned standards development committees. We ask this committee and the Legislature to take a second look at this potential for duplication of services. The legislation should be about ensuring Ontario is a truly accessible province in as short a time as possible, not about providing employment to some professional advocates.

Another area that concerns me is part IX, subsection 33(3), which allows the minister to make exemptions to

certain individuals or organizations from having to file an accessibility report or from the obligation to file or submit information and documentation to the ministry. No doubt there is a rationale for this, but be advised that when granting exemptions to anyone, this could be the start of a slippery slope. Once one organization is granted an exemption, others in that class will no doubt be asking for the same treatment. In order to achieve the expectations created by the government, sacrifices by various classes may be necessary. Granting exemptions is yet another factor that will delay final implementation of this much-needed legislation.

A big factor to the success of this legislation will be the regulations, which will be introduced slowly only after the bill has received royal assent. It's been a while since I've read a piece of legislation where the regulations almost single-handedly determined the success or failure of said legislation. It's in this area also where more delays would be created.

Another problem with relying on regulations is, what happens if another party that may not have the same commitment to accessibility forms office? I'm not going to pinpoint any particular party but, let's face it, if another party forms government during the next 20 years and they are focused in other areas, which could conceivably happen, this legislation could end up with some weak or non-existent regulations, impacting the promised outcome of the bill. If the government is truly committed to improving accessibility in Ontario, which we truly believe it is, why leave so much to the whims of successive governments? Just in reading section 40, I'm surprised by the amount left to regulations. Even the basics, such as the definitions of "accessibility" and "service," are left to regulations. Why couldn't the government define these terms prior to introducing the legislation?

One reason I raise the issue of regulations is that these eventual regulations will also impact on how AACs function. Many of the regulations deal with accessibility reports and how they are reported, what they include and how they are developed. As stated previously, our AAC strongly supports annual accessibility reports. They not only give the committee a goal to achieve each year but a yardstick by which to measure council's commitment. But the AODA leaves in doubt whether such annual accessibility reports will continue or what they'll include.

After two years of municipalities and other public sector organizations having to file accessibility reports, one would think the Accessibility Directorate and ministry staff would have an idea already of the strengths and weaknesses of the current rules. Surely with a little effort the ministry could have written into this new legislation what they expect from such reports. Delaying such regulations only delays the ultimate goal of an accessible Ontario.

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When drafting the regulations, I would be remiss if I did not state that when considering building code standards, we strongly recommend the Canadian Standards

Association. Their standards are much stronger and more inclusive than the current Ontario building code. Our AAC has insisted on incorporating universal design into any new facility. This ensures that any new building is accessible to all without having to make expensive modifications later.

As the member of a regional AAC, and as a reporter who covers local government, I'm also very much aware of the fiscal jam most municipalities are in. The realignment of services and the introduction of new provincial standards have left many municipalities struggling to avoid substantial hikes to their property tax bill. This means that each year AAC members wonder how much our region will be able to afford when it comes to accessibility improvements. Local AAC members face similar circumstances each year.

By way of example, the \$500,000 budgeted in 2005's capital budget for ODA renovations had originally been removed, for it didn't rate high enough on the corporate management team's project rankings. It was only at the last minute that it was added back in. In the previous year, that amount had been cut by more than half. It's not because the regional municipality is not committed to removing barriers; it's more that each year, councillors and staff have to deal with competing interests, and accessibility doesn't elicit as much support as repaving a main arterial road filled with potholes.

For this reason, we're encouraged by the AODA's mention of incentive agreements.

**The Chair:** Excuse me. Could you slow down a little, please?

**Mr. Noiles:** OK, sorry.

To remove many of the barriers faced in municipal buildings will require billions. Grants through such agencies as Trillium help some, but incentive funding from the provincial government will prove necessary to meet the act's objectives. Again, we realize this is very much dependent on the government of the day and its fiscal agenda. However, we encourage the Legislature to consider the fiscal realities of local government when implementing this new legislation.

The gas tax funding, which the government has already started to roll out, should go a long way to improving local transit and, we hope, introducing inter-regional accessible transit in Niagara. We in Niagara learned only yesterday that after a divided triple majority process, the region of Niagara has achieved the needed triple majority to allow the region to begin coordinating a specialized intermunicipal transit system. This was despite opposition from two of the biggest municipalities, Welland and St. Catharines. In fact, only a few short weeks ago, many of us had resigned ourselves to another disappointment. Sadly, those of us with a disability are used to disappointment. Whether it's because we're unable to get around or have added obstacles to doing so in the winter months, because we're unable to shop at our favourite store, or because our health has declined yet again, we're used to disappointment. Those of us who advocated and lobbied our municipal councillors for



intermunicipal specialized transit are here today with renewed optimism. I truly hope this can extend to the AODA.

On behalf of regional Niagara's AAC members, I once again thank the honourable members for listening to our concerns today. We hope this input will be considered when amendments are introduced. This act has the potential to be revolutionary with the proper amendments.

To close on a more general note, it was only last night that I was watching a Showtime film, *The Incredible Mrs. Ritchie*, starring Gena Rowlands. In it, she portrays an older woman who is battling severe arthritis and raising two sons with Down's syndrome and who still manages to live life with optimism. Her daily prayer around the dinner table, I think, could apply to some of us here today: "We thank you for our handicaps. Through them, we discover ourselves, our work and our Creator."

Thank you again. I'd be happy to answer any questions any honourable members may have.

**The Chair:** Thank you. There's only one minute left, and I'll go to Mr. Ramal just for one question.

**Mr. Ramal:** Thank you for the presentation and thank you for coming and telling us about your concerns. First, the ODA, as you mentioned, was weak; it was a small step. Second, you talk about the AODA being a step forward, but you had a concern. You mention in your statement about the duplication of standards. You want the minister to lead the standards and draft them with the director of the disability—

**Mr. Noiles:** And the standards development committee. I think if you could incorporate all those bodies together at once, you could speed up the process rather than bringing it to the standards development committee and then back to the ministry and then back again, because it's going to need fine-tuning from ministry staff in terms of wording. If all those organizations could work together at once, I think you could speed up the process a lot.

**The Chair:** Thank you very much for your presentation.

#### FAMOUS PLAYERS INC.

**The Chair:** We'll move on to the next, Famous Players Inc.

As you take your seat, if I can remind all of us that it's 15 minutes maximum. We are having people translating, so if you can make sure that all of us will be able to appreciate your presentation.

You can start any time you're ready.

**Ms. Nuria Bronfman:** I'm Nuria Bronfman, Famous Players, and this is my colleague, Wendy Kady. Mr. Chairperson and members of the committee, good afternoon and thank you for allowing us this opportunity to come before you and speak to you about Famous Players and our commitment to improving access to our theatres for people with disabilities.

It is because of our commitment to accessibility for all of our guests that we are here today to affirm our interest in participating in the standards development process that businesses, the provincial government and municipalities will soon collectively undertake for a barrier-free Ontario. No doubt you are thinking about the constitution and composition of the standards development committees contemplated by Bill 118. To this end, we want to offer our assistance.

Famous Players is a company with a history of 85 years in this province. We operate 36 theatres across the province. We employ over 3,000 individuals, including those from the disability community, and, not including income tax, contribute some \$22 million to the provincial treasury in tax revenue.

We pride ourselves on treating all of our guests equally, with dignity and respect. I'm pleased that we have made great strides to improve our relationship with the disability community. A few years ago, we recognized that our reputation within the community was lacking and we decided that we needed to repair it. We are now considered industry leaders within the disability community for a few initiatives that we have pioneered.

How have we accomplished this? First, all of our new-generation Ontario theatres are state of the art, providing full access to our guests using wheelchairs. Another of our initiatives that we are extremely proud of is the installation of the rear-window captioning and descriptive video systems, first installed in 2001. These systems allow our deaf and blind guests to experience the magic of the movies without the assistance of others. We are the only exhibitor in Canada operating this technology. In fact, our theatres are the only venue of any kind in Ontario where you can experience rear-window captioning. For our work in this area, we have been presented with a number of awards by organizations such as the Canadian National Institute for the Blind and the Ontario hard of hearing society.

Our most recent initiative demonstrates the positive results that occur when business and the disability community collaborate. A year ago, Famous Players asked the disability community to help us develop a policy for attendants accompanying a disabled person to our theatres. We worked with Easter Seals/March of Dimes to bring together nine national organizations representing people with a variety of disabilities and created the National Advisory Council of Disability Organizations.

We also rallied the entire exhibition industry to adopt a uniform industry position. The results of the collaboration are very positive, and on December 3, the International Day of Disabled Persons, we launched the Access 2 Entertainment card, available to people with disabilities who require a support person. The card is right here; you can pass it around. Starting March 1, Famous Players will honour this card in all Famous Players theatres. Upon presentation of this card, support workers will receive free admission. We were extremely pleased that Minister Bountrogianni was present at the launch and recognized our efforts.

1450

Famous Players is considered an industry leader in many areas. We chair the board of the Motion Picture Theatre Association. We sit on the board of directors of the National Association of Theatre Owners; we also sit on the technical committee of that body and are therefore current with issues such as captioning, digital cinema and new technologies that will greatly change our industry.

Mr. Chairman, we believe that the nature of our business makes us unique among entertainment venue operators. While we are clearly a part of the entertainment sector, we have some unique characteristics that need to be recognized as standards are developed. For example, we see more guests visiting our buildings on a daily basis than a sports venue or a live theatre venue. And our industry is constantly changing as a result of innovations in cinematography and projection, so our buildings and auditoriums are continuously evolving and need to evolve rapidly.

Of course we would like to participate in the standards development process and work collaboratively, as we have in the past, for a barrier-free Ontario. All of what I have discussed here positions Famous Players to be a useful resource during the standards development process. We recommend the mandating of a standards development committee with exhibitor representation for the entertainment destination sector. Further, we ask that you communicate to the minister our interest in serving as its industry representative.

On behalf of Famous Players, thank you, Mr. Chairman and committee members, for your time today. We can take any questions that you may have.

**The Chair:** We've got six minutes, so two minutes each. We'll start with Mr. Jackson.

**Mr. Jackson:** Thank you very much for an excellent presentation. I want to commend you and your corporation for the work you've done. You are industry leaders; there's no question about that.

I had a meeting with the human rights commissioner, Mr. Norton, who talked to me at length about issues around the hospitality sector and theatre guidelines, so I understand you've been working with the Ontario Human Rights Commission over the last couple of years in this regard and that you've made some progress, so I want to commend you for that as well.

It would appear that government wishes to start with your sector in terms of setting standards. That's good in many respects, because they'll have some early victories due to the work your company has done. They'll be able to point to you and say that the work that's been done to date is a result of legislation, but in fact it's your corporate response to a number of human rights test cases that go back five and 10 years ago.

I do have a difficult question, though, and that has to do with heritage properties. That's the one that's a conundrum. I use your product quite frequently with my children and my family, so I know your new ones are just extraordinarily accessible and wonderful experiences. But how can we work with you to make sure you're not

caught in the middle of a public debate between people wanting to preserve a building and your using it as a vintage theatre for the purpose, still, of providing a product to the public? This has been a difficult question in the past. I don't have a question for you on all the wonderful things you're doing—I think you're to be commended, and I'll say that many times—but this area still lacks some resolution. I just wonder whether, with your experience of what you've had to go through corporately over the last five years, you've got some further advice to this committee?

**Ms. Bronfman:** We did have two properties that we chose to close. Wendy has a longer history with the company than I do, so I might ask her to jump in. That was an issue for us, absolutely. It was two properties built when all these issues were never discussed. By virtue of the buildings themselves, to renovate them to the point where they would be to code was prohibitive financially because we weren't getting that kind of attendance there any more. So those two properties closed. I don't believe we have any left in the province.

**Ms. Wendy Kady:** That's exactly what I was thinking. The two properties we assume you're referring to are gone. It happened in the midst of our big expansion program and they've been replaced with state-of-the-art multiplexes, where you won't have that heritage problem for many, many years.

**Ms. Bronfman:** That's right. The problem was two-fold with those theatres. First of all, they were not accessible, and second, they were not getting the attendance they once did.

**Mr. Jackson:** I want to thank you for recognizing the fact of the incredible costs of what is, for most attendant support workers, a low-paying job. To give them a free pass for a paying customer or however they want to manage that was just brilliant. Thank you.

**Mr. Marchese:** I want to thank you both for your presentation and tell you that I attended one of the performances with my wife many years ago. It was extraordinary, the kind of work you do with young and old people with disabilities. It's a remarkable way to show the talent that people have, irrespective of whatever disability they might have.

Your main point appears to be that you want to be members of the standards committee. Many people want to be part of that, of course, and many people will be excluded. You understand that?

**Ms. Bronfman:** Yes.

**Mr. Marchese:** What do you hope to accomplish by being a member of such a committee, and what might happen if you're not a member of such a committee?

**Ms. Bronfman:** I think we can offer something to the table. We have a very distinct sector within the overall entertainment industry. It's an industry that changes rapidly with technology. When digital cinema comes in, our theatres will have to change. When certain other technologies come into play, our theatres will have to change. I guess we want to be part of the process to make sure our industry is represented properly by people who



know how the industry changes and why it changes, and so we are at the forefront of those changes and can offer up for the entire exhibition industry some suggestions as to how to address that most appropriately.

**Ms. Kady:** Also, as we've shown with the attendant card, we have a really strong desire to be proactive in these areas, as opposed to simply being reactive. This gives us the opportunity to assist here and make sure that from our standpoint, from the exhibition standpoint, this is done properly for all the parties involved.

**Mr. Ramal:** Thank you. For a second time I've listened to your presentation. Definitely, I listened to you carefully both times. I take it you are great supporters of Bill 118, that you think it's reasonable and the time frame is reasonable. From your presentation, I also understood that you want to set the model for other institutions, to tell them that by being accessible they'll gain more money, gain more business, that they'll enhance their business.

I don't understand your concern about being on the standards committee. If you are, of course, you can be a leading example. If you are not, what's going to happen to your business? Do you think it's going to be affected or not affected? With the bill as clear as it is, is it going to be protected by it? What do you think?

**Ms. Bronfman:** Again, we're just trying to be proactive in this area so we make sure our industry has a voice in how these standards are created, I guess to address the nature of our business more than anything, as we feel we are unique in terms of the entertainment sector because of the fast-changing nature of our industry. Obviously, we would really like to be part of the process and offer up our assistance in terms of what we know about our industry and how it affects the buildings we have and how it affects guests' accessibility.

**The Chair:** Thank you very much for your answers. You're right on the 15 minutes, and I thank you for that.

1500

JOHN KIS

**The Chair:** We will be moving to the next presentation, from John and Irene Kis. Please, if you would take a seat.

**Mr. John Kis:** Hello, everyone. My name is John Kis. My wife had to leave. Three months ago, she had spinal surgery, and Shaver Hospital had to take her back because she's got a little pain.

I wrote this out: First and foremost, as with everything, more funds are needed for everyone, the programs and essentials of life.

Irene and John's top priority is housing: more geared-to-income units; more accessible housing units; more housing for people needing heavy care, so to free up nursing establishments; seniors' complexes; the implementation of more cluster housing with main-floor common rooms; more satellite homes with kitchen facilities and independent housing training.

Irene and I would also like the building code as it exists right now looked at, to bring standards with the input of disabled persons, keeping the disabled, the elderly and mobility-impaired persons in mind. If the building code doesn't work, I would like to see more barrier-free universal design, or even possibly the British building code. The British building code seems to accommodate a lot of people with disabilities.

One of my biggest concerns is disabled parking and enforcement. Now that the provincial government got the fines increased—just in yesterday's paper I was shocked to read about a man who didn't have a disabled permit and parked in a handicapped parking spot whose fine was reduced to \$100. Why do we have a law? Even though there are a lot more handicapped parking spots at the YMCA, why is there a sign saying "\$300 fine," and a judge is saying to reduce the fine? What are we trying to do? Also, I would like to see more sensitivity training like Mr. Findlay has mentioned, especially in the justice system now. I would like to see that judge go in a wheelchair for a month to see what people in wheelchairs have to put up with.

That's my presentation.

**The Chair:** Thanks very much. There is time for questions, up to three minutes each, and I will start with Mr. Marchese.

**Mr. Marchese:** Thank you for coming and thank you for raising some of the concerns that others have raised as well, and that has to do with housing as a serious problem: the shortage of housing, the shortage of affordable housing and the shortage of accessible housing that people should have access to. All I can hope is that people will continue to remind this government of their promise and obligation to that.

You also talked about the building code changes and spoke to what others have spoken to around the whole notion of incorporating a universal design system so that you wouldn't have to retrofit or make changes later. There seems to be agreement with that.

Sensitivity training is something that we should be doing every day. It shouldn't be something that we leave to a bill or to a regulation. That's something that must be ongoing, because I don't think that we will be rid of discrimination against people with disabilities in the short term, or the long term for that matter.

**Mr. Kis:** With cluster housing, there's a place in St. Catharines called Bethlehem Place, in which people have their own bedroom and they have kitchen facilities. They are trained to go out into their own apartments.

**Mr. Marchese:** I understand. Thank you.

**The Chair:** Mr. Ramal, any comments or any questions?

**Mr. Craitor:** John, thank you very much. I know you weren't on the schedule and I know you were hoping to have a chance to speak. I guess what I'm saying is, you put your presentation together right here in this hall, so I congratulate you for doing that and for having the courage to sit up here and make that presentation.

I only want to quickly touch on the parking tickets. I can remember when the government of the day increased the fines to \$300. I was chair of the parking and traffic committee at that time, and I remember we put up the signs. I remember people coming to me as chair and screaming at me because they got a ticket, saying, "What's this \$300?" I can tell you stories upon stories where I actually went out with these people and said, "Show me where you got the ticket. Are you telling me you couldn't read the sign or something was in its way?" I actually went out with some of the people, stood there with them and said, "There's just no way. You're paying \$300. There's no way you're going to get out of this."

The point I wanted to make to you, just so you understand this, is, people still have the right to challenge a ticket. They can challenge it in the courts and the judges do have a right to decide whether they think it's appropriate or not. Many people just pay it, and when they pay it, it's \$300. It isn't that the law isn't there, but there is an opportunity, if people think they want to challenge it. That's probably what, in this case, that person has done and the judge has made a different determination.

**The Chair:** Ms. Wynne?

**Ms. Wynne:** Thank you, John. I just wanted to comment that you've raised in your presentation one of the big issues about attitudinal change that needs to happen in society. You've raised a number of individual issues, but I think if we don't, as a society, understand these issues, if we don't value the needs of people with disabilities, then the changes aren't going to happen, and one of the main thrusts of this legislation is to try to shift those attitudes by demonstrating what the standards are, what the rules are, and enforcing compliance. So we're trying to do that.

1510

I wanted to reassure you on the issue of people with disabilities having input into the setting of the standards. That's an integral part of this bill, that those standards development committees will have people with disabilities on them. That's an absolutely fundamental part of what the minister wanted to make sure happened, so I wanted to reassure you about that. That was your concern, was it?

**Mr. Kis:** Yes.

**Ms. Wynne:** It's right in the act that people with disabilities would be on those standards development committees.

**Mr. Kis:** Thank you.

**Ms. Wynne:** OK, great.

**The Chair:** Thanks very much. Mr. Jackson, do you have any questions?

**Mr. Jackson:** Yes. Thank you very much, John. I was quite disturbed when I heard early this morning about this judge who bought into a pretty lame excuse, that somebody had a sore back and therefore they needed to use a handicapped parking space. Apparently, that judge was convinced of it to the extent that he reduced the fine.

Would you therefore support—I don't think we need to wait 20 years to create a standard for a penalty for

violating a handicapped space. I think the penalty should be as strong in the city of Ottawa as it should be in the city of St. Catharines; there shouldn't be an ounce of difference in the offence against the disabled person who has struggled to get to a location, only to find out that their parking spot is taken away from them. So would you support in this legislation—because the previous legislation had an offence for parking of up to \$5,000. That's being removed in this legislation. I don't know if you knew that.

**Mr. Kis:** No.

**Mr. Jackson:** Well, would you support picking a number, whatever your community feels is appropriate—say \$500 or \$1,000—and making that the minimum fine, that no one who is ever charged can go to court and get it any lower than \$1,000? I've written to the Attorney General to ask them to resolve this question, but if there is no minimum limit, it can be zero. He could have said, "Your parking ticket fine is \$1." He could have picked any number out of the air, this judge, from what I understand. Would you support this legislation at least fixing that so that this year, that would become the standard, and no judge could play fast and loose with inappropriate attitudes toward the disability community?

**Mr. Kis:** Oh, definitely.

**Mr. Jackson:** OK. You're the first one to really tie judges to sensitivity training, and I want to thank you for that. I remember 15 years ago there was a judge in Sault Ste. Marie named Justice Vannini who once said to a woman who had been so badly beaten that she had lost sight in one eye—the judge's comments in court were this: He said to her husband, "I know you beat your wife, but this time you went a little too far and I'm going to have to penalize you." That case—and there were several others—demonstrated just how offside judges are with understanding issues. There are judges who just do not understand the disability community at all, so I want to thank you.

The government of the day reluctantly brought in sensitivity training for judges on issues involving women and abuse. I think this should be in the legislation as well, what you're suggesting, that we clearly set out, as we have in other legislation, that judges are named as requiring sensitivity training, or police as requiring sensitivity training, in order to overcome discriminatory thinking. So I want to thank you for that and I suspect you support that this legislation should set that out.

**Mr. Kis:** Definitely.

**Mr. Jackson:** Thanks very much.

**The Chair:** Mr. Kis, thanks again for coming and making a presentation.

## TAKEKARE COMPANIONS

**The Chair:** We move on to the next presentation, Takekare Companions. There will be 15 minutes, of course. If you can please keep in mind that there are people who want to appreciate your presentation. There are people translating and people who wish—well, we all



want to be able to appreciate your presentation fully. Thank you.

**Mr. Gary Atamanyk:** Good afternoon. My name is Gary Atamanyk. I am a retired high school teacher, having taught for 28 years in regional Niagara. Previously, I was a management chemist in business and industry for six years. Since retirement in 1998, I have been a founder and the president of a company called Takekare Companions. Presently, I am a public school trustee with the District School Board of Niagara and a director of the Education Foundation of Niagara.

I am presenting today as the president of Takekare Companions. Since 1999, our company has been seeking to provide safe, affordable companion services 24/7 in all 12 communities of regional Niagara for seniors, who are mostly women, persons with disabilities, and the disadvantaged.

We realized that accessibility begins at the front door of our clients' homes and not at the entrance of a grocery store, medical clinic, lawyer's office or place of worship. If persons require assistance, a safe, affordable companion service is necessary to exercise their human rights of ready access to business enterprises, community services and facilities that are normally available to all other Ontarians. Also, companion services would assist persons to live independently in their own homes.

Sadly, there are major systemic barriers at the municipal level that have prevented Takekare Companions from assisting clients who wish to exercise their human rights of accessibility.

I will read an open letter dated November 23, 2004, on pages 5 to 7 of my presentation booklet. The letter was delivered by the regional clerk to each member of Niagara regional council.

"Dear Councillor,

"I have written all councillors a number of times over the past few years. If not newly elected, you are familiar with Takekare Companions.

"I believe that regional council can do more to assist the 120,000 seniors and partially disabled citizens of regional Niagara. Personally, my conscience will not allow me to ignore their great needs.

"For the past several years Takekare Companions would have provided needed companion services for seniors and the partially disabled in all 12 municipalities of regional Niagara 24/7. Members of the private, non-profit Takekare Social Club would have paid \$20/hr for services rendered during a one-hour minimum—taxes included. A free shuttle would have been provided (pro bono) throughout regional Niagara for companion-assisted shopping, medical appointments, worship," and so forth. "(Other services charge up to \$50 with a three-hour minimum plus mileage.) Respite relief, light house-keeping, live-in and vacation companions would have also been offered. This wonderful service would have helped so many in need!!

"However, the regional municipality of Niagara ruled that Takekare Companions and its independent contractors must obtain a 'newly created' vehicle-for-hire

specialty licence for each of their private, mechanically certified vehicles. They could not name one other companion service company in Ontario required to have such licensing! Apparently, all other legitimate, private companion service and escort service companies operate legally in regional Niagara without this licensing.

**1520**

"On March 12, 2001, and January 14, 2002, we attended public hearings of the licensing committee and made presentations to obtain the required licensing. In 2001, severe licence restrictions were imposed on Takekare Companions, putting us out of business. In 2002, we asked for more reasonable licensing and we were turned down completely. We were put out of business by regional Niagara with no alternative, and we were told that the restrictions imposed on us were fair. Should I, my wife or an independent contractor provide a free shuttle, pro bono, for a senior going to a medical appointment, we would be charged and liable to a fine of up to \$5,000, recently increased to \$25,000.

"Historically, it appears that, unlike other municipalities in Ontario, the licensing committee does not function at arm's length to the police board. Here in Niagara, members of the police board have also been members of the licensing committee that grants and denies licences. As well, unlike other municipalities in Ontario, there has been no local appeal mechanism for the decisions of the licensing committee. In order to appeal, you must attend high court to defend your stance against the police board with its \$90-million budget and ability to sue. Of course, this is impractical and intimidating to the appellant. Justice may not be done.

"What does the law say? Honestly, there are four provincial and federal laws and regulations that clearly dictate that Takekare Companions vehicles and their independent contractors are not vehicles for hire and cannot be licensed as vehicles for hire by regional Niagara. If you care enough to know the truth of the matter, I will immediately deliver this information to you directly. Telephone me at this phone number.

"All our people are experienced caregivers and long-time residents of regional Niagara, good people who are bonded, heavily insured and have a police services clearance certificate. The private vehicles of all our volunteer drivers are certified as mechanically fit and insured for business. For goodness sake, please let our people go.

"Send me a letter granting Takekare Companions permission to operate. Our mechanically certified, private vehicles are not vehicles for hire. All we are asking is that we be treated equally as other private companion services now operating in regional Niagara. What can be the problem? Please help the seniors, partially disabled and other citizens in need that you are sworn to serve."

Again, to date I have received no response to this letter. The laws mentioned in the letter are pages 8 to 11 in the booklet. The Takekare Companions brochure of services is on pages 12 and 13. Please note that the mission statement of Takekare Companions paraphrases

the principles advanced by the United Nations in its declaration of the International Year of the Elderly in 1999. The remaining pages of the presentation booklet are a selection of letters and research that I feel you will find helpful. In addition, I have over 400 pages of documentation available for any committee to examine and, if requested, I am available to assist personally 24/7. Simply call me at my phone number.

**Recommendations:** For the purposes of Bill 118 only, that all seniors aged 65 or more are deemed to be persons with disabilities due to age. Every senior has some form of disability due to age. It may be caused by arthritis flare-ups in the winter, night vision problems, diminished hearing, physical and emotional suffering, as well as other causes. Who is to determine who has a disability and who has not? At what point in time is one disabled and no longer disabled due to age factors? Who can judge other than the individuals themselves? One half of our seniors are regarded as disabled now. Why are those seniors who become disabled due to aging exempted from this legislation? Why is it that seniors, who are mostly women and are some of our most vulnerable citizens, do not have their human rights of accessibility protected?

I can assure you from my personal experience that municipal governments do not appear to care. I have been disregarded, coerced, lied to, intimidated and discriminated against these past six years in trying to bring accessibility to our seniors and persons with disabilities. Regional Niagara appears to have obtained only one legal opinion to support their position in our matter. Recently, when I suggested they seek another legal opinion from any respected legal firm based outside of regional Niagara, the regional chair claimed, "We can't do that." There is not a single politician of any stripe at the municipal, provincial or federal level who has been able to help our company stay in business with their best efforts thus far. If this matter is not resolved now with Bill 118, we may all be here again in the future trying to protect the human rights of our seniors by guaranteeing their accessibility.

The Human Rights Commission path does not work. We all know that very well. It's too costly. It can take several years, if not more. It's too complex. And it tries to obtain compromise, first of all. Compromise our human rights? Give me a break.

I say to the government of the day and to this tripartisan committee, this is your opportunity. This is your defining moment. This is your chance to step up to the plate and do something great for all Canadians. Prime Minister Pierre Trudeau sought a just society. Not a bad goal, that.

I suggest a change to the bill under the definitions for "disability" by adding, "as well as aging of those 65-plus years old" so that "disability" means "any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect, illness, as well as aging of those 65-plus years old...."

**The Chair:** You have two minutes left for your presentation.

**Mr. Atamanyk:** Thank you.

Recommendation number two: A ministerial order declaring that service vehicles of companion providers are exempt from all municipal licensing requirements, provided that each service provider is certified.

Takecare Companions would be pleased to provide such annual certification for companions throughout the province. Such certification would, of course, require proof of the mechanical fitness of all vehicles used to service clients, as well as other strictures. A sample of Takecare Companions' present required profile for certification is on the last three pages in this presentation booklet. Provincial certification is necessary because a conundrum from municipal bylaws and related legal roadblocks will never allow companion services to be available for all Ontarians in need. A ministerial order may be the only way to protect the human rights of all Ontarians who require assistance for gaining ready access to business enterprises, community services and facilities. The Municipal Act, 2001, part IV, Regulations, section 160, allows the minister to make the necessary regulations. I include this on page 4(b) of the booklet. I believe a ministerial order was the government course of action in the past in order to free up and promote the development of the parcel delivery industry. Apparently, it was a very successful measure.

The bottom line is this: Given these recommended legislative changes, Takecare Companions has the potential, as well as other companion services, to provide needed companion services to the vast majority of seniors and partially disabled throughout Ontario within eight years, at no cost to taxpayers.

Thank you very much.

**The Chair:** Thank you very much. That is all the time we have for this presentation.

1530

BRENDA HOLLOWELL

**The Chair:** We'll move to the next one, from Brenda Hollowell. Please come forward. Yes, that's fine. Please take a seat. You have 15 minutes, as you know. Thank you for coming. A reminder that there are two people available if anyone needs assistance at the back of the room. There is also translation taking place.

We thank you for coming to make your presentation. Please proceed whenever you're ready.

**Ms. Brenda Hollowell:** Thank you very much for having us. Thank you, Gary, from Companions. I think you had a lot of very important things to say.

**The Chair:** Can you move closer to the microphone and introduce yourself?

**Ms. Hollowell:** My name is Brenda Hollowell, and this is my son Albert Hollowell. I'm very nervous.

**The Chair:** You don't have to be. We're all friends here today.



**Ms. Hollowell:** I'm here today because Bill 118 is, of course, of special interest to me and my son. We're not doing too well with the current conditions in Niagara Falls, whether it's the school community, the hospital, the police or any of the existing laws for the disabled, or the recognition of the same.

I didn't know anything about the disabled myself until the last six years, because my son was born normal and healthy. He became disabled six years ago because of some medicine; he had a bad reaction to some medication. He can't talk, as you can hear. He's back in diapers. Two years ago he couldn't lift his head or swallow his own spit. This was very much like the speaker not too long ago with the seizure disorder. It caused grand mal seizures that couldn't be controlled; the medication reacted adversely for him, leaving him with multiple disabilities and also with CP.

I find that the school boards currently can't deal with these situations. I feel that the school boards aren't prepared for any type of disability currently—facilities like washrooms, facilities like speech, facilities like occupational, physio-occupational or speech therapies. I find that there are large shortfalls in the disability area with regard to parents such as myself.

When these bad situations happen to a family, as the previous speaker indicated, it doesn't matter if it's birth defects, old age or accidents. These things happen. I didn't grow up until it happened to my life. I have four sons. I didn't become a mom—I didn't know I wasn't a mom, really, until I had to give 100% of myself 100% of the time. I had no idea what that involved; I imagine probably none of you do either, because until it actually hits your doorstep you do not know what it entails.

Since then, I have lost my job as a senior mortgage administrator of Home Savings and Loan Corp. I've lost several other jobs in the meantime because when my son is sick, I have to be home or I have to be in the hospital.

My son unfortunately has SUDEP. He stops breathing from these seizures. He's died numerous times because during the seizures he goes into status epilepticus. Consequently, I have to be with him in intensive care. I am taken away from my job.

I have lost probably more jobs than all of you have had in all of your lives. I don't have benefits any more, so now I'm back to work again. I started a job on Monday and I'm off today. Thankfully, they're gracious enough to allow that, and I've only had the job for three days. Not all employers are; that's why I've had so many jobs. The point is, there's no protection for moms either. There's no protection for these kids. My son has come home several times, pushed down in the schoolyard, because children don't understand and kids will be kids. Nobody is going to change that.

So I thought, well, Jeez, I'll do like the blind do. My son has no skills; I'll get him a dog, and a dog will take the place of mom when mom is not able to be with him. But, you know, our society doesn't even have the same rules for handicaps. The blind people can have a dog, but

my son can't physically have a dog because the laws are only there for the CNIB. So now I've probably put close to \$10,000 into training Magic, who is here with us under the table. She is not certifiable until she's a few months older, but she'll never be able to go on a city bus with him if you don't do something very soon. We can't wait 10 years. Albert is 11 years old and he needs a companion today. He needs to be able to know, and I need to be able to know, that I am not wasting money I don't have. I'm asking for sponsors and clubs, which Kim is familiar with, to help me pay some of these outrageous costs for certification and training. The blind are covered. The government pays for it. The clubs are covering these things 100%.

Anyway, the discrimination, I guess, is something that—maybe that's not the right word or maybe it is the right word, but there are lots of areas that need changing today, not down the road. I don't know from reading the 37-page Bill 118 that you're addressing all these issues. There are so many areas of confusion for me when I read it because it's "ifs," "ands" and "buts" and in between, and I can't decipher everything that's being said in these bills.

I'd like to see some things happen a lot faster. I know restaurants can't change and I know you can't come up with 10 new bathrooms in the schools to help these children go to the washroom. I know you can't come up with nurses to help single moms trying to do the best they can with their children and I know you can't pay \$25,000 for dogs to assist with things. I would just like to see a more even ground. One of the speakers, who I don't think is at the table now, was addressing a judge being able to swing and make different—not understanding different disabilities. I agree that it's not just judges and it's not just you or me who is going to make a difference, if anybody can make a difference, but we have to start here and now and today to make a difference for our children for tomorrow. It's our children who will be here tomorrow.

I'm drawing a blank now.

**The Chair:** Thank you. Is that all you want to say? There are three more minutes we can allow for questions, unless you have something else to add.

**Ms. Hollowell:** I'm prepared for questions.

**The Chair:** OK, that's fine. Ms. Wynne, please: One minute each for questions.

**Ms. Wynne:** Thank you, Brenda, for coming. I know you've been working with Mr. Craiton and I just asked him if it would be OK if I asked you a question. I'm in the Ministry of Education and I just wanted to ask you about your experience with the schools. Is there a school that your son can go to? What's been the response from the board of education?

**Ms. Hollowell:** The board of education so far has, in my opinion, been a total letdown. Before my son got sick, I thought there was a really important thing—you know, you see on TV that Canada supports children. Children are their main thing. We give money to kids overseas and feed the poor over here and over there. My son has been to four schools. He's been to NPCC, where

he started out. I thought it was grand. He got physiotherapy, occupational therapy, speech therapy. Then Albert turned five, and now there's nothing for Albert. If you can't talk by the time you're five, you don't talk. Did you know that? If you don't talk by the time you're five, forget it.

**Ms. Wynne:** What about the dog? Part of what this bill is about is setting standards that allow accessibility. I'm just wondering, it's a service dog? Is that what he's called?

**Ms. Hollowell:** She's a service dog.

**Ms. Wynne:** Is the dog allowed anywhere?

1540

**Ms. Hollowell:** I'm not having any problem having the dog allowed, but legally, she could be refused entrance and I would have to take her out, because Albert is not blind. That's the only reason why. She has the same certification, Albert has the same needs as a blind person, but because he can see, she is not legal in this province.

**Ms. Wynne:** Thank you for raising this issue and making us aware of it, because it's exactly the kind of thing we need to know about in relation to the bill.

**Mr. Arnott:** Thank you, Ms. Hollowell, for your presentation this afternoon. I'm sure you're absolutely right: Those of us who are blessed with healthy children have no idea what it is like to be a parent faced with the challenge that you are faced with. But you're doing an extraordinary job raising Albert. You deserve credit and the support of your community and your family, and I'm sure you have the support of the members of this committee.

I think your testimony today has been very helpful to us to have a better appreciation of the kinds of day-to-day challenges you face. Clearly the government has a lot of work to do to respond to those kinds of challenges, to support families like yours, to ensure that Albert is able to reach his full potential in life. Thank you very much for coming today.

**Mr. Marchese:** Thank you, Brenda. I too was thinking about your point—

**Ms. Hollowell:** May I just interrupt here?

**The Chair:** Can you allow Mr. Marchese—at the end, if there's some time left, you may. I think everybody has equal time, if you don't mind.

**Mr. Marchese:** I just want to say, when you say that you don't know what it's like until it happens to you, it's very, very true. My father died of Alzheimer's disease and I had no knowledge of the problem until it happened to us. That's why in my mind I think about the obligations of governments to families when they face difficulties like yours. Sometimes we forget that. Sometimes we don't fit into the box and we don't fit into the rules, just as you indicated.

**Ms. Hollowell:** That's the problem.

**Mr. Marchese:** So there's nothing we can do, because it doesn't fit into the rule. To change the rule takes forever, and, "Too bad." In the meantime, you're suffering alone as a single mother with this child and we let you go on suffering—

**Ms. Hollowell:** Because you don't know.

**Mr. Marchese:** —because the law at the moment doesn't permit it. It's just incredible how we allow that. That's why I speak to the idea of the social obligations we have to each other. That's where governments have to kick in and find the money to be able to help families in need, and yours is one such example.

**Ms. Hollowell:** Thank you, sir. That's what I was trying to say. Even the unemployment—I'm not looking for free handouts. I work hard—I have always worked hard—but when your unemployment runs out, you have these choices. If your child is not dying, you can't help your child and look after him. You have to go to work. I don't think that's right. I think my son should be allowed his mom to have a quality life, not just have me home to die.

**The Chair:** Thanks very much for your presentation. We thank you and your son for coming here.

#### CORPORATION OF THE TOWN OF FORT ERIE ACCESSIBILITY ADVISORY COMMITTEE

**The Chair:** The next presentation is from the Corporation of the town of Fort Erie accessibility advisory committee. I believe Diann Krieger is here.

**Ms. Donna Summerville:** Actually, I'm sitting in for Diann Krieger. She's had surgery and it's kind of a last-minute venue for me, but I think I can get through this.

**The Chair:** Please introduce yourselves for the record, both of you, and proceed.

**Ms. Summerville:** My name is Donna Summerville and I sit on the advisory committee of the town of Fort Erie. I also work with the Brain Injury Association of Fort Erie.

I did discuss with Diann on the phone this morning some of the issues she would like to address, and both of us decided that we're looking at hidden disabilities: people with brain injuries, epilepsy, hearing disorders, anything that is not apparent to the eye, that people are not aware of. Maybe there's something going on with that person that's hidden. Oftentimes it gets misconstrued, that maybe people have some kind of mental illness, especially when it deals with brain injury. We're trying to address the fact that a lot of times the accessibility of a person is not only getting into the building but also what's inside the building that can help us.

In the town of Fort Erie, we had addressed a lot of the municipally owned buildings, and we made recommendation to our town council about some of the issues that faced us: Inside of buildings, if we could get in, were we able to use the washrooms? Were we able to use the fountains? Were we able to use the reception area? We found that most of the time there was compliance there. We made recommendations. We are coming up to snuff with most of those things that we found.

Another thing that we addressed on the committee, and I know it's only in private, is probably that people with private businesses that can allow individuals who



are in a wheelchair, or the parking is another issue—I know that can't be addressed by the government. That's something to do with the people personally. But I think if the building codes were changed also, to come to a standard where everybody has inclusion—it's universal design—that it would make it a much better placement, so we don't have to shift things around when somebody comes into the room with a wheelchair, make accommodations for that, that everything is a normal flow.

With the hidden disabilities, too, I find, working with people with brain injury, that people may look fine, they may act fine, but they do have this cognitive impairment which may not be visible to other people. Those issues have to be addressed, because we are also looking at employment for these individuals. Oftentimes, they don't want to tell the employer that they have this hidden disability.

I myself have a hidden disability, a chronic back ailment that I do put up with. There are times that I would love to say, "I've got to stay home," but I prefer not to do that. There are other disabilities that are hidden, like epilepsy. Employers have to come to the understanding, if they're told that the person has this disability, where that is going to put the person at risk of losing their job.

Many other hidden disabilities would include, like I said, brain injury, and probably hearing loss too. When we're speaking with someone, if we don't tell each other what the issue is—a lot of people keep those issues inside. They keep that disability inside, because sometimes they want to be in denial of it. I think they're afraid because, once they let someone know that they have the disability, lots of times there's an issue of losing your job, like I said. Or if you're an employer, you're not going to hire somebody who may be sickly in their minds.

I brought along a member from the Head Injury Association. She may want to say a few words. I wanted to leave some time for some questioning. Her name is Judith Jacques, and she didn't mind coming along.

**Ms. Judith Jacques:** I'm a person with a brain injury. We are still very shy to admit to anyone, if we go for a job, that we have a brain injury. I also take very bad seizures and things like that. I'm also working, though. I'm a lunchroom supervisor at a school. They fully know about my brain injury and they accept it, but there are a lot of places that don't. They look down on you because you're not exactly right in their eyes. That's all I'd like to say.

**Ms. Summerville:** I think the whole thing is that we have to educate the communities themselves. I know the government is very aware of what is going on. Maybe this is not an issue, but I think that sometimes when people go on a disability, they're either going on an Ontario disability or a Canada Pension disability. There's a lot of trouble being on both of them, because you can be on both at one time: One's legislation allows you to work; the other legislation says you can work but don't really work, because, you know what, you can be cut off, and try to get back on again. That's why a lot of people

really suffer through their workloads. The government doesn't allow that person to be productive. You can have a good day with hidden disabilities, and you could have a bad day, and there's no happy medium in that. I think that has to be addressed also. How can we let these people be productive without their being afraid to make a decent living? Most of the members I work with live on \$930 a month and they're allowed to make a little bit of money. If you're on Canada pension, you're not allowed to make any money. Although they do say you can, I wouldn't advise it.

Are there any questions?

1550

**The Chair:** Yes. We have over two minutes each.

**Mr. Arnott:** I want to look at this issue a little differently. We've heard a lot of presentations today, and Monday and Tuesday in Toronto. We've made a lot of progress, though, in recent years in terms of ensuring that people with disabilities have the best possible opportunity to achieve their full potential. Would you care to talk about that part of it and what kinds of positive steps have been taken, perhaps in your community, to get us to where we are today?

**Ms. Summerville:** You mean as far as people in the employment field?

**Mr. Arnott:** Sure.

**Ms. Summerville:** Probably if you know the right connection, the support system—the thing is, a lot of people fall through the cracks. To get services for certain people, you can't have this or you can't have that. I'm not answering your question very well, but I find that with our individuals, the only services that would come in to help at this point would be home care, community care access services, and you would be getting one hour a week. If you have a certain disability, you would get more because government funding is recognizable. I'm only talking in the brain injury field, because brain injury still is a very difficult field to follow. But other services, community living for the developmental—there are lots of supports in that area too with government funding.

As far as volunteers who would help out—there are programs for people who are on Ontario disability, though, that can put them to work also. I've worked with some of those, so that's a positive area there too.

But then there's the follow-up after. Who is going to carry on with that individual? That's what I find. There are lots of programs out there, but then all of a sudden, when they're over, that's it. There's no one to help carry on that program with that individual.

**Mr. Arnott:** Clearly, we have much more to do and Bill 118 represents part of that. But I guess what I was trying to get at is, where we've experienced success in the past, we need to build on it. We need to identify the kinds of things we've done that have created the success and the success stories and then use that to build upon for the future.

**Ms. Summerville:** Yes.

**Mr. Arnott:** We appreciate your advice on that.

**Mr. Marchese:** Donna and Judith, thank you. You talked about education, which others have talked about as well. In the past, when we've dealt with bills, I've been one of the members talking about the need to educate. Everybody agrees, and we never do it. This is the first time that I've heard a lot of people talk about the need to educate. If ever there was such a bill that should include an education component, it would be this.

**Ms. Summerville:** Exactly.

**Mr. Marchese:** It has to do with education around an understanding of the hidden kind of problems, the hidden disabilities that people have. It has to do with educating people about how we discriminate, because we do—people may not want to admit it, but we do—and the need to be able to educate in that particular area and the need to inform people about the economic shortfalls, the economic problems that people with disabilities face and what we need to do about it.

So I want to say to you, thank you for that aspect of the remarks you made. I hope that they as a government will listen and that we might be able to remind them as we go through clause-by-clause about the need to do some public education campaigns.

**Ms. Summerville:** Yes. Thank you.

**Ms. Wynne:** Thank you very much for speaking today, and on short notice, it sounds like.

You talked about a lot of the local municipal issues, the parking issues, the universal design, the building code issues. I guess I just wanted to ask you whether you think it's a move in the right direction that we would put a framework in place where standards would be developed and then those standards would be province-wide for all the sectors of the economy?

**Ms. Summerville:** Yes, that's probably what I had in mind, that we would re-examine the building code for buildings and things like that to accommodate so that it's an inclusion, that that will be the norm.

**Ms. Wynne:** Right, and once those standards are set, then the building code has to be changed in order to—

**Ms. Summerville:** Exactly.

**Ms. Wynne:** I guess the other point I wanted to make is on the issue of invisible disabilities. One of the main tenets of this bill is that the disability community must be included in the setting of those standards. What's helpful, in terms of these hearings, is for us to get a sensitivity to the range of disabilities groups that need to be heard from. I just wanted to reassure you both that the point of the way the standards development committees are being set up is that the disability community be part of making those standards. So I wanted to thank you for raising that issue.

**Ms. Summerville:** That's good. Thank you.

**The Chair:** Thank you very much for coming and making a presentation.

## A LEGAL RESOURCE CENTRE FOR PERSONS WITH DISABILITIES (ARCH)

**The Chair:** We will move from the next presentation from A Legal Resource Centre for Persons with Disabilities. Of course you have 15 minutes. Again, if there is any need of assistance, there are two people at the back. Feel free to use their services. When you make your presentation, let me to remind you that all of us want to be able to appreciate your presentation, if you can keep that in mind. Thank you.

**Ms. Phyllis Gordon:** My name is Phyllis Gordon. I'm the director of ARCH, A Legal Resource Centre For Persons with Disabilities. With me are Cara Wilkie, our student-at-law, and Heidi Lazar-Meyn, one of our staff lawyers.

Before we begin, I wanted to let people in the audience know that we do have one copy of our submissions in Braille and another on disk. If anybody here would like an alternative format, if you'd just raise your hand, Heidi could give it to you.

ARCH is very happy to be here today to express our support for the vision of the AODA. It's an ambitious statute of broad application that has a most urgent goal, which is the creation of an Ontario that's free of the barriers that restrict and impede the full participation of persons with disabilities.

I'm going to ask Cara to carry on for a moment.

**Ms. Cara Wilkie:** I just want to begin by briefly speaking about who ARCH is and what we do. ARCH is a charitable legal clinic that's primarily funded by Legal Aid Ontario. We have a province-wide mandate and are dedicated to defending and advancing the equality rights of persons with disabilities. We do this regardless of the nature of the disability.

ARCH represents national and provincial disability organizations and individuals in test-case litigation at all levels of tribunals and courts, including the Supreme Court of Canada. We provide education to the public on disability rights and to the legal profession about disability law. We make submissions to government on matters of law reform, and we offer a telephone legal summary advice and referral service. We also maintain an informative Web site—

**The Chair:** Excuse me. Can you please moderate your pace so that all the people in attendance are able to understand and appreciate your presentation equally? Thank you. There is 15 minutes.

**Ms. Wilkie:** Absolutely. We also maintain an informative Web site on disability law. We have a staff of 11, including six lawyers. Our membership consists of over 60 disability organizations, and ARCH is governed by a volunteer board of directors, a majority of whom are persons with disabilities.

Turning now to Bill 118, the vision of the bill is that persons with disabilities will participate as full citizens in all walks of Ontario life, including work, recreation, politics, volunteerism and education. The means of



achieving this vision that the government is proposing is the development of enforceable standards. These will establish what is required to be done by the private and public sectors in order that the vision is achieved.

1600

As lawyers with disability expertise, we have studied Bill 118 and offer to you several suggestions that, in our view, will increase the likelihood that the bill will be successful.

In this oral submissions, we wish to emphasize two points: the over-reliance on the regulatory power and the need for greater public participation throughout the entire life of the statute. But we do have other points to make and hope that you will refer to the entirety of our written submission where we set out our concerns in more detail.

In particular, we request that you give serious consideration to the following points, many of which other organizations today and the last two days in Toronto have also raised.

ARCH believes that the purpose of the statute should be boldly stated. The current language in section 1 does not convey that the goal is to remedy systemic discrimination that is faced by persons with disabilities by removing the barriers they face.

We share the view that the push for barrier removal should be undertaken as soon as possible. ARCH is very concerned that the 20-year time frame will lead to unintended delay. As a result of the feedback from the community we've received after our initial ARCH alert, we recommend that the goal be nine years instead of 20 years and that this be done with three three-year periods for standards development.

It is our view that the words "to the public" that are found in subsection 6(3) should be removed. These words will lead to inconsistencies and unnecessary complexities, delaying implementation. The Human Rights Code was amended to remove this language because of the unnecessary litigation it caused.

We are very concerned that section 36 will lead to unnecessary intrusion into the lives of individuals and violate their privacy rights. The enforcement of a standard which addresses a systemic issue does not require the disclosure of personal information of individuals. In our view, section 36 is inconsistent with privacy legislation and should be deleted. We urge you to carefully consider our submissions on this point that you'll find at pages 30 and 31 of the material.

As you heard from the speaker a few moments ago and as we also regularly hear from the persons who call us, persons are often discriminated against because they use a service animal. As an immediate priority, Bill 118 should remove these barriers and include a guarantee of access to persons who use service animals. This key provision does not need to wait for standards development.

Now I'm going to turn it over to Heidi.

**Ms. Heidi Lazar-Meyn:** We should remember that the purpose of regulations is to fulfill the intention of the statute, not to create the statute. Like other speakers whom you've heard over the past few days, we're

gravely concerned that too many issues are left open in Bill 118 and are to be decided by regulation or by the minister. Many important matters should be resolved now and not by cabinet in the future, because it's possible, and in our experience is often the case, that key regulations are never enacted. When a statute lacks sufficient clarity, delay and debate can occur throughout its implementation and adjudication. The greater the detail in the bill itself, the greater is the likelihood that it will be successfully implemented.

Here are some of the issues that we reiterate should not be left to the future:

How will "services" be defined? Bill 118 provides that this essential word can be defined by regulation. Persons with disabilities require immediate assurance that the act will include such essential services as transportation, education, health and those that the Ontario Human Rights Commission has included over the years. If the government does not want to define "services" now, it should at the very least remove clause 40(1)(q) of the bill so that the public is assured that future cabinets cannot restrict the application of the act without full legislative debate.

How might the word "accessibility" be defined by a future cabinet? This word, which goes to the heart of the legislation, cannot be left to the future.

When will standards development committees be established? How long will committee members be appointed for? Will they be paid? When will directors and inspectors be appointed? What organizations will be exempted from the bill's application? What tribunal or tribunals will hear appeals?

Bill 118 leaves it to the government to decide whether or not to make a regulation enacting a standard. We recommend that subsection 6(1) be reviewed to ensure that it confirms the government's strongest possible commitment to enacting the proposed or revised standards.

No one can predict what economic or social pressures will be on cabinet in the years to come. It is our submission that Bill 118 should be thoroughly reviewed to ensure that only what cannot be put into the legislation now is left to future cabinets.

**Ms. Gordon:** Finally, we would like to address that the bill certainly needs greater public participation of persons with disabilities throughout its life, not only during the design of the standards. Currently, Bill 118 provides for the participation of people with disabilities in three situations: as members of a standards development committee; later on, to provide input after a proposed standard has been made public; and possibly as a member of a municipal accessibility advisory committee. However, there are many other avenues through which the public can continue its involvement.

The first is a monitoring function. Bill 118 does not expressly provide a means to effectively monitor the success of its implementation, nor does it require the minister to publish an annual report on the progress of standards development or enforcement. There's no mandatory evaluation process that will assess whether barrier

removal has been successful. There is no explicit provision for the maintenance of a publicly accessible database that could be compiled from the reports filed under the AODA. Given that this legislative initiative will be carefully watched by persons with disabilities as well as policy-makers in Canada and internationally, ARCH recommends that the bill clarify who has the responsibility to monitor the law's implementation, undertake data collection and develop evaluation tools from the outset.

We also think that the public should be provided a role in the enforcement of the AODA. Currently, it is left entirely to government officials. There is no independent review mechanism permitting persons with disabilities to complain about failures to comply with the act itself or the accessibility standards. The only cases that will get before a tribunal are those where an order is being appealed, and these appeals can only be initiated by the person or organization named in the order.

If, for example, a large transportation company fails to comply with the relevant standard, it's not certain that this non-compliance will be monitored or inspected or that the company will be ordered to do anything at all. In such cases, persons with disabilities must be able to complain to a tribunal that the company has not complied with the standard and that they remain unable to travel without barriers. It's ARCH's view that enforcement initiatives should not be left entirely in the hands of the bureaucracy.

There's another mechanism in Bill 118 that excludes the public, and these are the incentive agreements between the minister and an organization. Even though the intent of these agreements is to encourage performance way beyond the minimal requirements of a standard, the trade-off is that the terms may not be public and reporting may be avoided. Accordingly, a person with a disability who encounters a barrier will have no way of ascertaining whether an incentive agreement exists at all, let alone whether the organization has complied with its terms. There is no avenue for complaint or appeal.

The third way that the public should be involved with the life of the AODA is through access to an expert tribunal. In our submissions, we set out quite a lengthy discussion on the real, essential need to have one expert tribunal. The current adjudication framework set out in the act—which is highly speculative, because it will just be designated by regulation in the future—is highly problematic and needs significant revision. I might add that it is much less than what parallel statutes currently provide to other people. We don't think that persons with disabilities should have less of a regulatory regime than you will find in many other statutes.

As we have noted, Bill 118 mostly excludes persons with disabilities from participation at a hearing. Therefore, everyone is more dependent upon the bureaucracy charged with its enforcement. However, it's quite possible that the bureaucracy charged with enforcing the law several years from now may be underfunded, in need of quick settlements, and/or not committed to its implementation in a wholehearted manner, as we would expect

people involved with the creation of the bill would be committed to it. One way that the current bill could protect against these dangers is to provide that an appeal process be available to a person or organization that's affected by an order, and not only to the person or organization that is the subject of the order. To be effective, this amendment must also require that all orders are publicized in a timely way.

1610

ARCH also believes that there is a very valuable and important role for persons with disabilities and their advocates to play at the hearing of appeals, as interveners. As the bill is now worded, those wishing to bring a disability perspective to the tribunal will have a difficult time establishing their right to be made a party. The bill should include language that provides for participation in the adjudication process regarding the substantive issues under the AODA.

Finally, the preference for written hearings that the bill offers excludes the public once again. It's important to remember that this is a public interest statute designed to correct a long-standing history of exclusion and discrimination. The orders are not private matters between the government and the offending person or organization. Rather, they are mechanisms to ensure compliance with an important anti-discrimination statute. In our view, it is critical that the adjudicative scheme includes public participation and makes enforcement of the AODA a public rather than a private enterprise.

I'd like to thank you for the opportunity we've had today. If there's time, we'll look at questions, but otherwise, I'd like to offer ARCH's services or consultation to any members or their assistants. We have done that in the past. We regularly consult with government and bureaucracies and are most willing to continue an open discussion.

**The Chair:** Thirty seconds, starting from Mr. Marchese, please.

**Mr. Marchese:** Thirty seconds?

**The Chair:** Yes, we are running—if you need a minute, I'll give you a minute.

**Mr. Marchese:** This is an incredibly important report that you bring to this committee. Your recommendations are powerful and the knowledge you bring to it is incredible. When you talk about, "Bill 118 does not expressly provide a means to effectively monitor the success of its implementation," it's critical. Only an organization that has that kind of experience could speak to these issues. I will bring forward a lot of recommendations to clause-by-clause that will include a lot of your proposed changes to make this a more effective bill.

**Mr. Ramal:** Thank you for coming. I had a chance to see your submission before today, and I share your concerns, after the failure of Bill 125 to meet the demands of the disabled community. That's why as a government we came up with Bill 118.

As I mentioned, I read your submission and your concerns about some sections and subsections of the bill. Hopefully, we can address your concerns after discussing them with the legal department to see the technicality of



applying it, because you raised some technical issues. We'll see if we can enhance the language. We look forward to working with you.

**Ms. Gordon:** And we would like to work with you, if we can.

**The Chair:** Mr. Arnott, any comments?

**Mr. Arnott:** Thank you very much for your presentation. Your expertise and your experience in dealing with these kinds of issues on a day-to-day basis is something that the committee needs to take into consideration, obviously. We do really appreciate the advice that you've given us today.

**The Chair:** Thanks very much, both of you. Thank you for coming.

### JACK EDWARDS

**The Chair:** The next presentation is from Jack Edwards. Is Mr. Edwards here? You can proceed any time you wish, Mr. Edwards.

**Mr. Jack Edwards:** I don't have a presentation. I wasn't sure what to expect here. I'm an interested citizen with an opinion.

**The Chair:** That's fair. You can present your opinion and, if there is time for questions, we'll go from there.

**Mr. Edwards:** I'm opposed to the legislation. It seems to me that it would be far more practical to try and meet your objectives with policy guidelines first. Legislation has unintended consequences. I know a little bit about litigation. This will prove to be a windfall for lawyers.

It will be a tremendous burden on the economy. The best way to help disabled people is to have a prosperous province and a prosperous country.

I've read in the last nine years three books that I would highly recommend to the standing committee. One was called *The Litigation Explosion*, a very depressing book. The other one was *The Case Against Lawyers*, more recently. The cost of litigation is a tax on the economy, it's a tax on individuals. I don't know if there has been a cost-benefit analysis on what this legislation is going to do versus the value that you'll get from it.

To my mind, I don't understand how a democracy can legislate individual and minority rights. There seems to be a conflict here. If a lawyer holds public office, I see a conflict of interest between making the law and profiting from the enforcement of the law.

I feel foolish after listening to the ladies before me. I'm not prepared. I didn't know what I was going to say, I didn't know how to say it, but this is a very serious matter. You're going to wreak havoc on the economy because some power monkey in a wheelchair is going to get hold of a power monkey with a law degree and they're going to see how it works. Not everybody who's disabled is kind and gentle and deserving—disabled people can be nasty too.

**The Chair:** Mr. Edwards, you have the right to express yourself. You have done that, and that's fine. I think if you have anything else to add on the topic, it's up

to you to do so. But you have to address the issue in front of us. I think you already did make a point on the issue, and I thank you for that.

**Mr. Edwards:** The litigation that'll come from this is going to be bad for the economy.

**The Chair:** Thanks very much for your comments.

**Mr. Edwards:** OK.

### CANADIAN HEARING SOCIETY

**The Chair:** The next one on the list is the Canadian Hearing Society. We need a minute or two to get ready. Whenever you're ready, you can present.

**Ms. Sally Wall (Interpretation):** Good afternoon. My name is Sally Wall and I'm a representative of the Canadian Hearing Society, Hamilton region. We cover Hamilton, Niagara Falls and the Brantford area. I was supposed to have another person with me, Mr. Chris Kenopic, but unfortunately he's had a scheduling conflict and hasn't been able to make it, so I'm here on my own.

#### 1620

The Canadian Hearing Society serves deaf, deafened and hard of hearing people in this province, and we do have a number of recommendations that we would like to make to Bill 118.

The first one is in order for that bill to be properly instituted and enforced. I have a written submission that all of you should have a copy of, and I'm going to speak to a few of the points in that submission right now.

We're very happy to see this legislation proposed, and we want to see it successfully implemented so that access is provided to all people in our society in Ontario. One of the ways you can ensure that you'll be able to enforce the law is to make sure you have proper support systems in place for non-profit and other service agencies that may have difficulty complying unless those supports are in place.

Had a technical issue to deal with there. Sometimes it takes a little longer to say things in English than it does in American Sign Language. The point I just made is to ensure that the government has funds available to some of the smaller service agencies, some kind of a granting system, so that services can be provided and so that access and equity are going to be consistent around the province. Some kind of funding system needs to be in place.

One of the services that needs to be funded is things like interpretation services—American Sign Language English interpretation—intervention services for people who are deaf-blind, and open and closed captioning for people who use text-based services. These are things that people require. Staff will need some sensitivity training on how to effectively communicate with members of our communities. The biggest barrier that we face on a daily basis is that of communication and being able to access information in an equitable way.

We're of the opinion that Bill 118 puts a strong focus on bricks and mortar. There are a lot of clauses and there has been a lot of action around people who have mobility

issues and around making buildings and facilities accessible. For people like us—deaf, deafened and hard of hearing people—the issues are different. We want to ensure that organizations are aware of the need for and able to provide interpretation services. Our issues are not physical. We can get into a building pretty much no matter what it looks like. Our issues are around communication and having access to communication.

I came from the United States. As you know, the Americans with Disabilities Act has been in place for quite some time. When I had to go into a public service such as a hospital, interpretation services were readily available. When I come back to Canada, when I come back to Ontario, unfortunately the case is not the same. It's often a tremendous struggle for us to convince these people that they even have an obligation to communicate with us in an equitable and fair manner. Information such as what I've just told you needs to be given to all of these public sector services.

Another thing we want to ensure is that other auxiliary aids are included in the legislation in order for systems to be accessible. An example I can give you is emergency services public announcement systems. A deaf person in that kind of environment would have no idea that an emergency was taking place. On transit systems and subway systems, there are often public announcements and public alerts given that we have no access to.

I can highlight that with a personal experience. I can recall being at a hotel with many other deaf people, and in the middle of the night the fire alarm went off. Every single one of us slept through it. Nobody alerted us. Nobody made an effort to let us know that there was a danger of fire. Imagine what would have happened if all of us had been trapped in that building. These are the kinds of things that need to be made accessible, not only for safety's sake, but in order for us to participate fully.

Finally, we think the 2025 timeline is too long. We would like to see that shortened down to 2020. A 15-year period is long enough for us to wait; 20 years is too long.

I do have another brief that has been given to all of you which outlines some of the information I have given to you, but in much more detail. The paper that I was just speaking from also has additional points. I have just highlighted a few of them right now.

Thank you for your time.

**The Chair:** Thank you. If there are any questions, there are a couple of minutes at least. Mr. Craitor.

**Mr. Craitor:** Hi, Sally. It's nice to see you again.

**Ms. Wall:** It's nice to see you too.

**Mr. Craitor:** You're still as active as ever.

**Ms. Wall:** Absolutely.

**Mr. Craitor:** Sally, the points you make are so valid, and the way in which you're going to be able to assist the government, and all of us, is by participating in the standards that are going to be set in all the different categories—accommodation, for example. You gave a great situation where a fire alarm goes off and you don't hear it.

The point I'm just going to make to you is, as we go through the process, be involved, make sure you indicate that you want to participate, and then help us set those standards for the people who are deaf so that we can ensure they are the same throughout all of Ontario.

Thank you very much for being here. It is nice to see you again.

**The Chair:** Mr. Jackson, two minutes.

**Mr. Jackson:** Thank you again, Sally. It's good to see you. Tell Chris we miss him.

**Ms. Wall:** I will do that.

**Mr. Jackson:** I want to talk about item 7, your suggestion about the regulations for Bill 4 and the importance of having set timelines. I'm going to make you a promise right now that I will table an amendment to this legislation which will identify Bill 4 and require that the government, within a specified period of time, publish the regulations, because then they will be required to begin funding access to these programs.

I found your analogy of the American hospitals interesting because, as we know, they're private sector hospitals. They see the economic advantage of having all people come to their doors. The government, in effect, funds all our hospitals. They would therefore have to pay for deaf and deaf-blind services. So, in my view, allowing hospitals to stop filing access reports by allowing the Ministry of Health to stop filing accessibility reports will have a negative effect on the disabled community, specifically deaf-blind services in these institutions.

You don't need to worry about standards; you already have standards. It's very simple: You must have someone who's competent to perform American sign, and they have to be made available to you when you are in a medical crisis, just to begin with. You don't need a standard for that. That is simply an access point. It's almost like saying that there should be a roof on your building and a washroom in your home. So we don't need 20 years to look at designing the standard for American Sign Language. We need the regulations that say where you will be guaranteed access to a competent signer. That's all that is required at this point.

1630

Do you fully support the notion that this bill be amended to at least honour the commitment of 12 years ago—I remember Bill 4, because I was around—that you will get signing services and that you will get proper regulations that will determine competency levels and levels of service?

**Ms. Wall:** You've said a lot. I need you to summarize that and state again clearly what you're asking me.

**Mr. Jackson:** Item 7 of your report confirms that governments bring in legislation but are not required to have regulations. Bill 118 is written the same way. Do you want me to table an amendment that will specifically call on the government to bring in the regulations within one or two years of the proclamation of this bill to honour and uphold the rights you won in Bill 4? That can be written into this legislation very easily, but it will



require the government to come up with money. That's my question.

**Ms. Wall:** What you're referencing, then, is to have ASL services written into the regulations so that ASL services must be provided. Of course I'm in support of that. I recommend that not only American Sign Language but also la langue des signes québécoise should be recognized and written in.

**Mr. Marchese:** Sally, one of the points you raised has to do with the timelines. You just said that 20 years is too long, and you propose 15. You may have been here when I was suggesting earlier on that 20 years is too long, and that a whole lot of people agree with you and me that it's got to be a lot less. Some people say nine years and some people say 10; I have been suggesting 12. The reason I am suggesting 12 is to work on the basis of their report that talks about five-year cycles for the accessibility standards development. The five-year cycles lead us to 20 years. I'm recommending that we do three-year cycles, which would lead us to 12 years. It would shorten the timeline to such an extent that we would see a lot more progress and faster, and it would force governments that are in power for two terms to literally do three quarters of what they promised they want to do. I am suggesting 12 years, and my sense is that you probably agree with me, that it's more reasonable and more doable.

**Ms. Wall:** I think 12 years would be fabulous. The quicker, the better. The sooner we can provide access to the people of Ontario, the better off we will be, and that would be wonderful, if it is possible.

**The Chair:** Thank you very much for coming here.

**Ms. Wall:** Thank you for having me.

**The Chair:** The next one is the Advocacy and Facilitation Group. Are they present? If not, is the Ontario English Catholic Teachers' Association present? They are not.

We were able to make up 10 minutes, plus the 4:45 has not confirmed, so we basically have about 25 minutes of extra time, because the next one is at 5 o'clock. So we can—yes?

**Ms. Wynne:** Mr. Chair, I was going to do this at the end, because I didn't want to take time, but given that we've got some time now, could I make a request?

**The Chair:** Sure.

**Ms. Wynne:** This is an issue that came up from a comment that Mr. Jackson made in response to Mr. Kis's presentation about the \$5,000 penalty for disabled parking spaces. I wondered if I could ask that Mr. Jackson supply to the committee members the section of Bill 125 that enacted the \$5,000 penalty for abuse of disabled parking spaces and the section and reference in Bill 118 that explicitly removes that penalty, and also if he could provide in writing any other sections in Bill 118 that explicitly remove sections of Bill 125 that have already been enacted, because that has been said a number of times. Because I'm a new MPP and you've been around, I'd just like to see that in writing. My understanding is that those don't exist, but I'd like to see them in writing.

**Mr. Marchese:** Could we use the same ministry staff to get that information, if you don't mind?

**Mr. Jackson:** Well, they were the same ministry staff that wrote the regs—

**Ms. Wynne:** I'm assuming you've got the information, Mr. Jackson, because you made the claim.

**The Chair:** Mr. Jackson, the request was to do it in writing. You can answer now if you want to.

**Mr. Jackson:** Thank you. First of all, Ms. Wynne, you should wait for Hansard, because, as you said, this is about the regs that I said were not—that's not what I said. Your government has—

**Ms. Wynne:** You said that the \$5,000—

**Mr. Jackson:** Mr. Chairman, if you could have order here.

**The Chair:** Excuse me. Could I have the floor, since I am the Chair, please? We have 25 minutes, since we have to wait for people, and I think we can use it very usefully. A question was asked. If you wish to answer, please answer, but I would like the answer and the question as simple as possible, and we could have a coffee break. OK? So would you please give an answer.

**Mr. Jackson:** Mr. Chairman, thank you for recognizing that you had given me the floor.

Just to correct Ms. Wynne's putting on the record erroneously, I did not say that the government didn't enact our regulations. I asked that question on Monday, and you will be aware that your government has not enacted any regulations under the ODA. That was the point I made. So there are sections in Bill 125 that you are removing from this legislation, your 118, and my information on that comes from Mr. Lepofsky. If you read his brief—it's 148 pages long—he makes extensive reference to the clauses and sections of legislation which you are removing from the current ODA, that are not in 118.

At no point have I ever said that you're not enacting the new regulations under that, because in the year and a half that you've been a government, no new regulations have been brought in. So that, I'll clarify.

If you'd like a written response on the \$5,000 fine for violation of parking spaces that was recommended, I'll be more than pleased to get that for you. But the details of the sections that are not included in this legislation are contained in Mr. Lepofsky's brief. He does that very succinctly and he explains the rationale as to why he believes those sections of the legislation should be maintained and kept in the government's Bill 118.

**The Chair:** Ms. Wynne, is that satisfactory?

**Ms. Wynne:** What I was asking for on the \$5,000—today the statement was that the penalty was being removed explicitly by Bill 118. I'd like the reference to that and I'd like where that was enacted by the previous legislation. That's the piece I'd like to see.

**The Chair:** You have the right to ask, and it's up to Mr. Jackson to reply or not to reply. He made his statements; you made your statements.

Mr. Leal, you have some comments?

**Mr. Leal:** I just have a request of the committee researcher. I'm interested in the Americans with Disabilities Act and any provisions in that act with regard to hospitals and the standard of the American Sign Language being provided within hospitals in the United States. I'd like to get the background on that. Mr. Jackson has indicated he's going to bring forward an amendment during clause-by-clause, so I think the committee might benefit from that background research. If we could make that request and have that available prior to clause-by-clause, I think that would give sufficient time to get that information.

**The Chair:** Mr. Jackson, when are you going to—

**Mr. Jackson:** I'm going to suggest that's a good idea, but I think what's also instructive is that we should get the information on Bill 4, because that's what I'm actually amending. Bill 4 says, "We'll bring in regulations." We never got the regs. We have a law without regs. That's all I'm going to ask in the legislation. I'm familiar with Bill 4, but I was around in those days.

**Mr. Leal:** Right, I wasn't.

As part of that, I would also like to know if they set about to achieve standards within the act in the United States, that process, if I could ask for that information too.

**The Chair:** Any other requests before we take a break until the next presenter is here? There is none.

Did anyone from the Advocacy and Facilitation Group arrive? Is anyone here? I'm looking for Norbert Hoffmann or Julie Wilson. Or anyone from the Ontario English Catholic Teachers' Association, Halton secondary unit? None.

OK, then. If you don't mind, we'll take up to 20 minutes until someone shows up.

*The committee recessed from 1642 to 1707.*

## ADVOCACY AND FACILITATION GROUP

**The Chair:** Because you just came in, I believe, I want to make sure that you appreciate that we'll give you 15 minutes for your presentation, starting now. If you take less than 15 minutes, then the members will be able to ask questions and make comments. We need your name, and you can start whenever you're ready. I want you also to know that there are people translating. Please keep that in mind when you speak. Thank you. Welcome again.

**Ms. Carolyne Champaigne:** Thank you. Good afternoon. My name is Carolyne Champaigne. I'm a member of the Advocacy and Facilitation Group. One of my primary roles in the group is as a facilitator to accommodate the disabilities, the cognitive impairment disabilities, of those of us in the group. We're a grassroots organization, with 80% of our members having brain injury and cognitive impairment.

I must begin, with all due respect, by informing the standing committee that you did not accommodate the disabilities of those people who are here. Your process excluded individuals with cognitive impairment, with

cognitive disability. Many people were excluded. First, they had no idea that there's an act for persons with disabilities being enacted. It was only through happen-chance that we found out about the act and the forum for submitting less than a month ago. We actively searched disabled rights, and we wrote to the Minister of Labour, back in March 2004, asking for an opportunity to provide invaluable input from people who walk the walk.

Some people were excluded because they didn't have the money to participate in the process. Often with disability comes minimal disability benefits. They were not aware that the standing committee would assist with funding, and those who were aware didn't have the money to pay upfront and submit their bills for reimbursement.

Some were excluded because their disabilities do not allow them to travel, and those with cognitive impairment are not able to submit orally or in writing without assistance and the accommodation of their disabilities.

There are three key members of our group who intended to be here today but were not able to. Karen is a founding member and driving spirit of our group who survived her accident when she was found, vital signs absent, but she's not surviving accessing benefits and assistance and hasn't survived the system that was designed to protect her. Lynn suffers from a brain injury with body tremors and does not yet feel safe enough to stand here, vulnerable, for the world to see. Greta wore herself out trying to put together some submissions without assistance, and her health has now prevented her from participating today. The issues before us are very important to Karen, Lynn, Greta and the rest of us. Though they may not be here in person, they are here in spirit.

We weren't able to provide you today with the group's written submissions because we were only given a couple of weeks to do them, and individuals with cognitive impairment can't do it in a couple of weeks. Jill and I facilitate for the group. Unfortunately, there are nine of them who wanted to do submissions, and we weren't afforded the time to do them. So we are going to ask if we can please have an extension until they can complete their submissions, because they have a lot of important things to say.

People with cognitive impairment often have great difficulty identifying and organizing their thoughts and communicating them orally and on paper. It's important to the group that their information is presented in a clear and meaningful manner, which is not possible without accommodation of their disability and facilitation.

I commend my fellow members for their incredible courage in coming here today and their strength and determination in getting here. With their disabilities, it's a task not easily accomplished for most of them.

It's now with great respect and pride that I introduce Norbert Hoffmann, who is a survivor of a traumatic brain injury.

**Mr. Norbert Hoffmann:** Greetings, distinguished members of the panel. My name is Norbert Hoffmann. I



come to you today with a goal. I stand before you vulnerable and terrified, yet determined. My goal is to give you insight into my life, a life that for the last 15 years has been spent in confusion, disorder, vulnerability, turmoil, fear, isolation, loneliness, awkwardness, worthlessness, frustration, embarrassment, humiliation, irritation, anger, distrust, misery, pain and routine, without dignity. I have experienced many barriers as a person with disabilities. My goal is to also give you insight into the possibilities of my life, with the accommodation of my cognitive impairment and other disabilities.

Fifteen years ago, I fell 60 feet while dismantling a brick shaft and was buried in bricks. I eventually woke from my coma and survived surgeries and infections. I was immediately plunged into a different world, looking through the eyes of a newborn, or a reborn brain-injured man, at 22 years of age. I had no idea what the shadows of brain-injured life had in store for me.

My family physician did not have the required experience with brain injury or the available time to help me, and no one else offered. The only program available to me was Laurentian Hospital's outpatient brain injury rehabilitation services program, which unfortunately did not provide me with any coping skills or compensatory strategies to use in my new life. Apparently, due to funding constraints and waiting lists, the program is only able to offer limited services that do not include community or social rehabilitation. I needed help very badly, and I didn't know how to get it or where to look.

The WSIB denied my rights and benefits and alleged that I was perpetrating a fraud and faking my brain injury, apparently because they had me on video singing karaoke without stuttering and stammering. The denial of my injury was based only on the opinion of a claims investigator and was not supported by the board's medical assessments or the MRI, which confirmed my brain injury. Although I knew that I was entitled to benefits and that I needed help, and that the claims investigator was wrong, I was powerless to do anything about it due to my disabilities. There was no one available to advocate on my behalf. Apparently, I waived my right to appeal the investigator's decision within the board, although I have no knowledge or recollection of doing so and there is no written confirmation available to remind me.

At no point throughout the WSIB claim or appeal process did I ever understand what was transpiring, and at no point did anyone explain my rights to me, nor did anyone provide me with any options or any offer of assistance to accommodate my disabilities.

Not only did I not receive income replacement benefits, but also, more devastatingly, I did not receive any rehabilitation and received very minimal medical intervention. This caused my condition to deteriorate and I hit rock bottom. I survived on the edge, living like an animal, with whatever female companion I could find who would take care of me, as I hadn't relearned how to take care of myself. I felt like a piece of driftwood floating down a muddy river, knocking off the banks.

I was sinking deeper. After a decade of survival in fear, living out of suitcases and hiding from the truth, I deemed myself unfit to live and began entertaining the idea of complete worthlessness, all the time keeping a cloak of secrecy from society, hiding the truth about the huge problems I had from my brain injury. Little did I know that everyone knew something was wrong with me; they just didn't know what it was.

Thank God the Canada pension plan didn't think I was faking my brain injury. I received limited disability benefits, but unfortunately, no medical or rehabilitation benefits.

With self-hatred, a broken spirit and thoughts of ending my life, I found myself at a local brain injury association meeting. For the first time, I met others like myself and people who seemed to understand brain-injury language. After I moaned my tale of woe for the thousandth time, I was given a members' cell phone number and was told to call her any time.

I was living in an abusive situation and could not envision any way out of my hell, when I received a letter from the WSIB which I thought was stating that they were going to put me in jail. I had misunderstood the letter. After being sent home from the local hospital, as they did not have anyone available in the psychiatric department to admit me, I called the cell phone number of my fellow brain injury association member. Karen began to advocate on my behalf and introduced me to facilitation as a compensatory aid for my cognitive impairment. Within a short period of time, I had my own facilitator.

The first step was to remove me from my abusive environment. I only recently became aware that I was entitled to Ontario disability support program benefits and that I qualified for supportive housing assistance. With the assistance of my facilitators, I have been able to access both. No one ever told me. If they had, I probably wouldn't have lived in some of the situations that I have over the last 15 years. I let people abuse me and take advantage of me because I was terrified to be left on my own and so grateful not to be living like the others under the bridge.

After taking care of my food and shelter needs, the first thing we did was to contact the WSIB on February 7, 2003, and inform them that I intended to appeal the denial of my benefits and that I required my disabilities to be accommodated in order to participate in the process. I also informed them that I had no idea of the status of my claim or what had transpired.

I have been contacting WSIAT since February 27, 2003, after being informed by the WSIB that my only option was WSIAT. I have informed them that I want to proceed with my appeal, that I require my disabilities to be accommodated, and that I am unable to afford representation. I have never received a response.

1720

**The Chair:** Thank you. Your time—

**Mr. Ramal:** On a point of order, Mr. Chair: I know the time has expired, but they drove for almost six hours to be here. I'm asking the committee if—

**The Chair:** I don't have a problem proceeding. I just wanted to let you know that the time allocated has expired. Unless there is an objection, you can proceed. Thank you.

**Mr. Hoffmann:** After filing a complaint with the Minister of Labour and asking for his assistance, I was referred to the office of the worker adviser, OWA, for representation. The OWA refused to represent me when I requested that my disabilities be accommodated through the assistance of my facilitator. They did not understand me or my brain injury. The worker adviser office asked me to sign legal papers. I had no idea of their meaning or consequence, but I signed them because I was afraid not to. After I complained to the OWA and again requested that my disabilities be accommodated, through the assistance of my facilitator, the OWA informed me that they would not represent me if I insisted on using my facilitator, and they returned my file to me. I realized that I was falling into the same pattern of the last 15 years. With the support of my group and the assistance of my facilitator, I again complained to the Honourable Christopher Bentley, and I am now awaiting his reply.

I still don't know how I will present my case at the tribunal, but I do know that I have no choice but to proceed. I will do my best. Over the last 15 years, I have had so many people represent me that I never could remember them all. I ended up renting a room from one of them at one point. I had trouble communicating with all of them and was not capable of presenting them with a clear history of my injury and claim and was unable to advise them accurately. I was unable to communicate to them what action I wanted to take. None of them seemed to understand my brain injury or me. They all said that I had an excellent case and that my benefits should be reinstated, but for some reason, nothing ever happened with it. I still have no idea why.

With the help of my group and my facilitators, I have learned that it is possible to have a quality life. I am learning to adjust to my disabilities and have begun to learn compensatory strategies to assist me. My life now has meaning and purpose, and I have a reason to carry on. I'm a contributing member of society, and with the accommodation of my disabilities, I have so much to offer. Unfortunately, the hard part is to overcome all the existing systemic barriers that exclude me from participating in society.

With assistance, I have learned that the value of who we are is not defined by what we are or what our disabilities are but by what we can offer our fellow men and women. That is my goal for my future, to help other survivors of brain injury, with a spirit I thought lost long ago, in a pile of bricks, forgotten.

Thank you for your time.

**The Chair:** Thank you. Are there any questions? There isn't time, but if the members wish to ask a quick question—

**Mr. Jackson:** Thank you for being here. Could you clarify how far you've come? You mentioned how far by miles, but where did you come from today?

**Ms. Champaigne:** Sudbury.

**Mr. Jackson:** From Sudbury.

**The Chair:** Any other questions? I thank you again for coming all the way down and wish you a good stay or a good ride back home, as you choose.

#### ONTARIO ENGLISH CATHOLIC TEACHERS' ASSOCIATION, HALTON SECONDARY UNIT

**The Chair:** The next one, the last one, will be the Ontario English Catholic Teachers' Association. Take all the time you need; that's fine. Hi, sir. There are some people there to assist you. Whenever you are ready, you can start your presentation by stating your name. You have 15 minutes time in total, if you can do it within that time frame, please.

**Mr. William Hoch:** Thank you, Mr. Racco. I appreciate the opportunity to be here.

I brought copies of my presentation for everyone. Fifteen of them turned out to have a disability; they ended up half printed and not printed. But there are seven you can read. So you can fight over them, and I'll autograph them later for you.

**The Chair:** Thank you for that. I think the clerk can take the seven you have and she'll copy the rest.

**Mr. Hoch:** Thank you. I'm here today on behalf of the Ontario English Catholic Teachers' Association, representing not the provincial organization but my local unit, Halton secondary. In terms of what I intend to do, I would like to speak for a very short period of time and then field your questions, because I think some of those may be important, based on some of the things that I hope to present to you.

I'm currently a secondary school teacher in Oakville. It took me six hours to drive from Oakville to Niagara Falls—no offence. Nevertheless, it's a long drive.

With my presentation today, the other thing I wanted to stress to you is that I spent about 15 years practising in the disability industry. I was the president of the Easter Seals/March of Dimes national organization for a number of years. I've also been the executive director for the Canadian Paraplegic Association. I ran the special-needs department at McMaster University for a number of years and bring a number of areas of expertise. I'm just going to zero in on probably about eight of those. There are many more in the bill about which, at some point in time, I'm sure you will be back to us for more input, and we appreciate that opportunity.

These are not in any particular order, but I'm going to refer you to the section on definitions because it's a concern I have and that we want to bring out to you. While we recognize that this is a bill to establish the legal and regulatory authority, we have great concern that throughout the bill there is a consistent referral to the "class" of persons or organizations to which it applies. I



did a lot of work on the Americans with Disabilities Act back in 1995 and 1996. I'm assuming that at some point you're going to tell us what a class of person is. It's a very difficult phrase to read because none of us like to be classified, none of us like to be put into a box. The phraseology also opens up a lobby process on both sides of this. So there will be a lobby process from business and industry to be in one class or another class, and there will be persons with disabilities and organizations who want to be in another class. I'll speak more about that further on.

We'd like to commend the group for considering the term "mediation." However, for those of us who work in organizations where we have unions and are part of unions, mediation and arbitration are things that can take years to resolve. We're not sure what the intent is, because there are no specific timelines tied to some of these things, but we would like you to consider carefully what you mean by mediation: who would mediate, whether it would be an agreement or arbitration—and not necessarily arbitration in the labour sense. There are many forms today of mediation that can be binding on both parties simply through contractual agreement, not necessarily through arbitration, and we would draw your attention to that.

1730

We're concerned with the flow process because, unless I am not reading the document carefully, nowhere did I see any recognition of the Ontario Human Rights Code. If I missed it, I apologize. It may be in there, and it's something, then, that I take responsibility for missing, and I do apologize.

I bring that up because, as you read the document and the bill now, there does not seem to be a flow in terms of process. There are a lot of what-ifs. It's, "When we develop a standard, this is what will happen." It worked reasonably well in the ADA with the five-year process. So I have great hope with this, compared to the current disabilities act we have. While I am concerned about where this will all fit in, "Where would one go first?" is a question that I think needs to be answered. Would I have to go through the administrative law process to deal with my contract in my union, to deal with a grievance, to deal with a process, or would I go to the Ontario Human Rights Commission, which is a quasi-constitutional body? We're sort of left looking at the legal issues here. We think it's our duty to bring some of those to you because we would like to work with the committee to make sure that some of those things are addressed for whoever is involved, be it business, persons with disabilities or others.

One of the other areas I have concerns about is the issue of federal and provincial jurisdiction. Again, I don't think it's clearly stated in this bill. I teach law. I know what the law is, so as a result I know how that process will flow, but there are many people who will be very confused. We have parents who are confused about how to get their children into programs where their special needs will be met. Some of them are unable to fill out forms. Issues around things like who's responsible or

which area of jurisdiction we are talking about may be clear, but they may not. If I deal with Air Canada, I know I'm dealing with a federal jurisdiction. I know that if I deal with the Ontario government and have an issue, I'm dealing with provincial jurisdiction. I'll talk a little bit more about municipal issues shortly, but I would like you to consider that issue. I'm not sure you can resolve it, but I think you can word it appropriately.

I'm concerned—I shouldn't say "I." I'm here presenting on behalf of the organization. We're concerned about silos versus institutional power development. I have worked in government and for government. I've been a consultant. I've been one of those people who write the weasel words, you know, the ones that say "may" as opposed to "shall," and I'm not sure what some of those mean. "May" is very prevalent. I bet if you counted it, there would be 1,000 "may"s in this document. I didn't count them, but "may" is prevalent throughout this document. "May" is totally different from "shall."

Finally, I guess what I would like to say is that we agree in principle that persons with disabilities should be the majority of any committee, but disability organizations, persons with disabilities and their local group committees all feed into a provincial committee. Then we looked at this and said, "This gets really tied up." If we take Mr. Jackson's area in Burlington, we might have a committee in Burlington and we might have one in Oakville and we might have a regional one. The question then is, where do I go? And once decisions are made by those committees, it's then taken out of the hands of people with disabilities and placed back into, with all due respect, the hands of councillors who may or may not have a disability. Whether or not they accept the recommendation of the committee, then, is another issue that's entirely up to the council or regional council or the provincial organization. So we remain concerned with that.

Finally, I would like to thank our unit, Halton secondary, for the opportunity to come here and present.

The major issue that still is not here—this is a personal issue that I want to bring, because I teach special education. We still have many kids falling through the cracks. The possibility for education being exempted is huge in this document. It talks about classes of persons and so on, and some may be exempted. My unhealthy reservation is to see that education is likely to be in the year 2020, leading up to the last five years, or, if I read the document correctly, it may be totally exempt. So I'm concerned about that and I'm concerned about our students who are not getting the funding they need and the support their parents need to get them into programs as well.

My last point: I would like to suggest that there be some kind of audit taken, whether by the provincial Auditor General or some other organization, so that the letter and the spirit of this document are followed. Thank you.

**The Chair:** Thank you very much. There's about a minute left. Does anyone have a question? I'll recognize anybody for a minute each.

**Ms. Wynne:** My question was just that you said that the possibility of education being exempted was huge. Can you just explain where that fear is coming from?

**Mr. Hoch:** The fear comes from my reading of the document. It talks about the ability to exempt organizations.

**Ms. Wynne:** That's clause 40(1)(r), right?

**Mr. Hoch:** It's in several sections. I have it here in front of me, but I'm not going to look it up.

**Ms. Wynne:** That's OK.

**Mr. Hoch:** The word "exempt"—government tends to exempt itself first, and I'm concerned about that.

**Ms. Wynne:** OK. I was just trying to get at what makes education particularly vulnerable, as far as you're concerned.

**Mr. Hoch:** Because it's a high-cost item, because it's our second-biggest big-ticket item in terms of our budget, next to health care, I think education is one of those areas that will be overlooked. My school board doesn't even have a door opener on its own building for people to come and go, just the simple things one would expect. It would cost them \$200 to do it, but it's not done, for whatever reason.

**Ms. Wynne:** Thanks for the red flag on that.

**Mr. Jackson:** I'll build on that question. Bill, thank you for coming today. We've heard from organizations saying, "Yes, please keep the municipal access committees," because they are a lens through which they can audit municipalities when the regs finally arrive. That has been embraced by—I haven't had one person say, "Let's get rid of those."

We require school boards to publish their accessibility plans, to post them, provide them to the ministry so we can match the regs and performance, and that's your audit. Students, teachers—teachers are very good at auditing their board in a variety of student-related issues.

1740

That was the concern I had, that they're dropping the requirement for the Ministry of Education to publish an access plan, the Ministry of Colleges and Universities—so all colleges and universities, all hospitals, all public institutions have been lifted out of this bill in terms of publishing access plans. If you go to the government Web site and ask for the accessibility plans, which I've done, and I've brought a copy of them, you will see—because they can't lie—they budgeted monies for accessibility modifications and then they've removed them from this year's budgeting plans. I think that transparency is an essential part of monitoring.

When Ms. Wynne asks, "Why would you think they are vulnerable?" first of all, it's your answer, but I just want to say to you that I'm hearing that from several people, that because the cost of modifying schools is in the billions of dollars, school boards and the property tax base can't carry that load. It's got to come from a commitment, over the next 20 years, from the province of Ontario. We fund education: period, end of sentence, full stop.

I share your concern. That's why it was originally required in the act, and the regs, once put in place—that's your auditing system. The school boards will do what they're asked by government. They will always be counted on to report. They may not be able to perform, because they don't get funding. You may want to comment.

**Mr. Hoch:** I'll make it very short. I think your explanation was much more eloquent than mine in terms of why I fear the exemption clause, because it is a huge cost. Many schools are 50 years old; others are three years old, like where I teach. So we have this whole range of possibilities. But our big concern, in terms of action—with my own board, we published the plan three years ago. I was on the committee involved in writing it. It has been reported to the board that we act every year on it, but nothing is done.

Again, without money—one could blame that, but more specifically, I also blame the will. There are systemic barriers. Senior administrators need to be apprised of what not only their students need but what their employees need. I could spend every day fighting a battle over something, but it's not worth my time or energy because all I want to do is teach.

**The Chair:** Mr. Marchese?

**Mr. Marchese:** I just wanted to agree with you on the whole notion of audits. The whole process of monitoring is lacking here. ARCH makes the same opinion. You're familiar with that?

**Mr. Hoch:** I've not read the ARCH opinion, but I'm familiar with ARCH. I've worked with ARCH.

**Mr. Marchese:** They say the following: "Bill 118 does not expressly provide a means to effectively monitor the success of its implementation." It doesn't. "Nor does it require the minister to publish an annual report on the progress of standards development or enforcement. There is no mandatory evaluation process that will assess whether barrier removal has been successful. There is no explicit provision for the maintenance of a publicly accessible database that could be compiled from the reports filed under the AODA."

This audit idea, a monitoring process that is clearly stated, is not in place, and if it's not in place it means we won't have a clue what's going on, either in the next five years or the next 10 or 20.

**Mr. Hoch:** I would go back to the word "exempt" again. We may have more organizations exempt than in. I can't say that will happen—

**Mr. Marchese:** We don't know.

**Mr. Hoch:** —but we won't know.

**The Chair:** Thank you, and I thank everybody for coming to the beautiful city of Niagara Falls and participating in this discussion. Enjoy the balance of the day. We are going to leave in about half an hour, so we will have dinner in London, potentially. Good night again, sir.

*The committee adjourned at 1745.*









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## Legislative Assembly of Ontario

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## Assemblée législative de l'Ontario

Première session, 38<sup>e</sup> législature

# Official Report of Debates (Hansard)

Thursday 3 February 2005

# Journal des débats (Hansard)

Jeudi 3 février 2005

## Standing committee on social policy

Accessibility for Ontarians with  
Disabilities Act, 2005

## Comité permanent de la politique sociale

Loi de 2005 sur l'accessibilité  
pour les personnes handicapées  
de l'Ontario



Chair: Mario G. Racco  
Clerk: Anne Stokes

Président : Mario G. Racco  
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## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
SOCIAL POLICYCOMITÉ PERMANENT DE  
LA POLITIQUE SOCIALE

Thursday 3 February 2005

Jeudi 3 février 2005

*The committee met at 0905 in the Four Points by Sheraton, London.*

ACCESSIBILITY FOR ONTARIANS WITH  
DISABILITIES ACT, 2005LOI DE 2005 SUR L'ACCESSIBILITÉ  
POUR LES PERSONNES HANDICAPÉES  
DE L'ONTARIO

Consideration of Bill 118, An Act respecting the development, implementation and enforcement of standards relating to accessibility with respect to goods, services, facilities, employment, accommodation, buildings and all other things specified in the Act for persons with disabilities / Projet de loi 118, Loi traitant de l'élaboration, de la mise en oeuvre et de l'application de normes concernant l'accessibilité pour les personnes handicapées en ce qui concerne les biens, les services, les installations, l'emploi, le logement, les bâtiments et toutes les autres choses qu'elle précise.

**The Chair (Mr. Mario G. Racco):** Good morning. All the members are around here, but they haven't reached this room yet.

**Interjection:** Some have.

**The Chair:** Of course. There are at least three of us here.

Maybe at least we can start the process of explaining to you what we will try to achieve today. I'm sure you already know that, but we are here to hear presentations from you, the people of Ontario, on Bill 118, the Accessibility for Ontarians with Disabilities Act, 2005. Of course, second reading took place already. All three parties in the House supported the second reading. We are here before going for third reading. Your comments will be taken into consideration and there will be questions from members to you during your presentations to make sure that we understand as much as possible what your intentions and objectives are and try to reflect them in the final Bill 118.

There will be 15 minutes' time all during the day for anyone making a presentation. Anyone making a presentation can use the 15 minutes to make a presentation. But if there is any time left from the 15 minutes, then the members can ask questions of you; otherwise, we'll move on to the next presentation.

In addition to that, we do have people, as you can see, who are translating. It will be shown on TV what's taking

place today so that Ontarians all over the province will be able to hear and see what we are discussing, what we are saying, and go from there.

There are also two individuals in the room, I believe, assisting. If anyone needs help, they are there to assist you. If you need to go to another section of the hotel, if you need water or if you need to move around, they are here to assist you and so on.

Whenever you make a presentation, keep in mind that all of us want to appreciate what you are saying, so take your time to make your presentation. That's basically what I wanted to underline.

There's a quorum, Anne? Yes?

DONEVAN

**The Chair:** There are four of us here, so we'll start with the first presentation. The first one is Donevan. Good morning. You can proceed any time.

**Donevan:** Good morning. Thank you for taking the time to hear me. I would like to make several points and then give my personal story on why you should listen. One of the things the bill needs is an advocate position which will deal with intergovernmental, interprovincial, different organizations and stuff from a point of view of not a policeman but a strong adviser, and possibly even a policeman, to facilitate, negotiate where the system doesn't overlap well.

The definition of a student loan has been changed such that no student can actually qualify under the changed definition. I have approached my member of Parliament. He says he can't help me because I haven't filled out the form. My doctor won't fill out the form because of the definition. So I'm now caught in a Catch-22 situation, one of many. My life is a fine example of finding all the cracks in the system. So there needs to be someone to talk to, like the people at the student loans, to say, "Wait a minute. This definition is discriminatory," and not to use minor little technicalities, "Well, you didn't fill out this form." "I can't, because of the definition." "But we won't talk about the definition until you fill out the form."

Inspectors would be a very important part of this process, that there be inspectors to look at buildings, facilities, and in particular—my interest—educational facilities where they can go in and have the power like a building inspector. This hotel has a handicapped entrance

but none of the bathrooms are handicapped-accessible. They have nice little signs on the door, but if you can't open the door you can no more use it than—you know, you might as well not have the handicapped door on the front of the building if you can't use the bathroom.

This is virtually universal in that if you look at hotel buildings they will have a handicapped door into the building, but once you get in the building there are spiral doors, you can't use the bathrooms or anything like that. Universal design works. The Eaton Centre in Toronto, when it was built, put in ramps for the disabled so they could use the building. They found that 95% of the traffic uses the handicapped-designed path versus the path that was designed with steps and stairs. I think that tells us something.

The other recommendation I have is that the definitions and stuff be functionally based in that, instead of saying that a path must be three metres wide or six metres or whatever, you have a functional approach. For this, I suggest that for an educational institution the definition be such that you may approach, enter, move about and access a washroom without the use of a third party. You do not have to rely on the charity of others to open doors for you and to get you in or out of the bathroom. You should be able to use a building like any other normal person.

**0910**

Also, consider linking, particularly educational institutions and such that receive federal and provincial grants—that if they do not meet minimal standards, which should be raised over time, at the end point of the 25-year plan, such that a person going to a building no longer has to ask where all the handicapped stuff is and whether it's hidden in the basement or by the back door. There should no longer be this built-in architectural discrimination.

The details are everything in handicap accessibility, especially the little details. The building code does not require a railing for a single step, but if you are handicapped, have cerebral palsy or something like that, that railing is vital to your safely negotiating that single step. If a ramp is not of a certain size, a railing is not required on it, but if your balance isn't good, you definitely need a railing on a ramp.

It takes a lot of learning to look with the eye of a disabled person and to consider, "OK, if I was in a wheelchair"—I had specifically requested a room for last night that could accommodate a walker. However, the placement of the bed blocked access to the secondary bathroom door. The bathtub has a very narrow lip on it, so you can't sit on it to get into the tub. There is a safety bar on the far side of the tub, but if you can't reach it, it's of no value. It's all in the details.

I'd like to give a couple of examples of why Bill 118 is desperately needed. I am a student at the University of Windsor. I've been going there since 1994 on a part-time basis. I've graduated with a psychology degree and am currently completing my social work degree. When I enrolled at the university, I applied as a special-needs

student. I've since had three complete psychological and physiological workups because, according to the government, they expire every couple of years—like I'm magically going to change overnight. I think that's a waste of money, time and effort. Good documentation is valid at some point, but I don't think you need to repeat it every couple of years, except in a few cases.

Each semester, when I start my term, I am given a letter of introduction to my professors. In there, it states that I use a digital tape recorder, that I get reserved seating at the front of the room and that I write my exams in a private, isolated area. However, this last semester my professor decided that he didn't like the idea of me using the tape recorder. I politely informed him that since it had been approved by the university and by the special-needs office, he didn't have a say in it; it had already been decided. He basically said, "I don't care. I'm in control of this classroom. What I say goes." This discussion went back and forth, while remaining technically polite. During the fifth class, the teacher called in the police and had me arrested, handcuffed, dragged out of the building and down to city hall to be tossed in jail. This was over my refusal about my accommodation device. Because I did not follow the professor's instructions not to use my disability accommodation, which was duly certified and approved, now I have to go through an extremely lengthy and costly legal process. They have suspended me from my studies and are preventing me from returning to my studies. This is just unfair. There needs to be someone the university and places can call up and get information, because they don't know, and they don't really want to know.

I've repeatedly sat on committees for the designs of buildings. They have recently built a new stadium that seats 2,000 people and has additional seating for 4,000 more on the grass area. We are supposed to be handling seniors' games, disabled games, paraplegic games and Ontario Games there. For all these participants, there is one male and one female handicapped-accessible bathroom. According to the design, there still is not a door opener to be built for the bathroom. How are these people—there is an exemption in the building code that organizations, particularly larger organizations, can base their decisions on. We have 35 handicapped bathrooms for the university. That's good enough, but it's not good enough on an individual building-to-building usage. If you've got 2,000 people watching a football game and half-time comes up, what chance does a person who is in a wheelchair, who must use a single elevator to change floors, to get to the bathroom, have of actually making it to the bathroom before the whole game is over? It is these Catch-22 situations that need to be eliminated, the little things.

Recently I forced the University of Windsor to make a number of changes, although they were reluctant to admit I had anything to do with it. They put in a handicap ramp at the back of a building complex, which is—

**The Chair:** There's a minute left for your presentation.



**Donevan:** OK. Any questions?

**The Chair:** The Liberal Party, please.

**Mr. Khalil Ramal (London-Fanshawe):** First, thank you very much for coming this morning. Also, I want to welcome the committee to London, the forest city. Welcome to London.

I agree with you about all these issues not being dealt with because we don't have the standards. The standards are not in place. When we have the standards, I think the hotels, universities, schools and many institutions will follow the standards, and then all the places will be accessible for people with disabilities.

**Donevan:** Thank you. May I make one more quick point?

**The Chair:** Yes, you can.

**Donevan:** Under the human rights legislation, only a person with a disability can make a claim or bring it to their attention. As a concerned individual—my partner has cerebral palsy—I can't legally say, "Look at this railing situation." She herself is required to fill that out. She can't get it done. Because of her disability, her life is quite difficult. It's just another—that people can act in the best interests of society, as individuals, not only as the complainant.

**The Chair:** Thank you. The time has expired, unless somebody wants to ask a question. Thank you very much, sir.

I wanted to thank the local MPP from London, Mr. Ramal, for having us here today. I also wanted to remind those who want to see what has happened here today on TV that it will be shown on Saturday, February 5. So if you wish to check what takes place on TV, what is taking place here will be shown on Saturday, February 5.

0920

#### ACCESSIBILITY CENTRE

**The Chair:** The next presentation is the Accessibility Centre. Good morning.

**Ms. Tracy Roetman:** Good morning. I'm Tracy Roetman, from Sault Ste. Marie.

**The Chair:** You can start any time.

**Ms. Roetman:** I'd like to thank the committee for giving me this opportunity to address Bill 118. When I called to make reservations here, there were no accessible rooms available. It would have been very nice to stay at this motel. I'm staying in a brand new motel with 120 rooms. They have one accessible room, and it's not completely accessible because the toilet is 14 inches, which is very hard for anybody who has to transfer. It's really low.

At this time I'd like to commend the minister for taking the initiative to strengthen the act. This is a much stronger act and addresses the real issue of persons with disabilities being able to participate fully in the life of the province. It also addresses the need for penalties for non-compliance, something that was sorely missing in the previous bill.

In my years of working toward a barrier-free Ontario, we have lost many dedicated individuals who never gave

up on the hope or the dream of seeing the barriers coming down. They gave their limited time to fight so that others could enjoy the freedoms they never had the opportunity to see. A large number of the individuals I now work with will not live 20 years to see this act implemented. Another generation will have grown up and not enjoyed the freedoms that the majority of the population take for granted. As a Canadian from a compassionate country, I'm embarrassed.

I understand the complexity and vastness of the task before us, for we have all had to make our homes accessible. I am encouraged by the realization that the people I have worked with, speak with and sometimes vote for are finally becoming aware of the value and importance of what they can learn from those who live outside of the perceived norm. I have lived on both sides of this issue; I know the difference. For those of you who are here, having lived on both sides, it is a lot harder on this side of the issue. Please do not insult me with your pity or promises; bless me with your honesty and integrity.

I would also like to take the opportunity to commend the many accessibility advisory committees for their part and commitment as volunteers. My local AAC donated 35,000 hours in the last two years to make our city and surrounding communities accessible.

I mentioned before that I'm pleased to be here and grateful to be among people who have struggled in this battle. I'll not forget those who fought the fight and lost, or those who I know will not live to see this bill become a reality. Let us keep those individuals in the forefront and respectfully honour them by successfully making this a reality.

I'd like to see government spend some money on education for the public. Unfortunately, there is still a lot of fear and misunderstanding that could easily be rectified through education.

We have left some of the language open to interpretation. There are aspects of the bill that may be interpreted differently if the government changes. One of the first things that needs to be defined is "accessibility." Sault Ste. Marie has created an Accessibility Centre to address accessibility issues, a home for accessibility in the community. As a centre, the hope was to assist the city and surrounding areas on accessibility issues, education and promotion of an office that works with existing agencies. We hoped to develop programs to fill the gaps. I have to say that at the onset of this, I had some idea of the needs. The reality is that we underestimated the needs by far.

I need clarity. Most of the clients I work with have no understanding of the forms they are being required to fill out. If they get one part of the form wrong, they are rejected. I thought this would be a small part of the job; I was wrong. The people I see are overwhelmed by circumstances and are looking for a way through the system, looking not only for guidance but also for dignity. I believe that the government has lost sight of the impact of these processes on the people.

We have many volunteers, but one comes to mind: a kind individual suffering from a brain injury. We're helping him get back into life in a protected environment. He is learning to accept who he now is, and we are learning from him each time he comes in. I have come to understand many different aspects of disabilities, but one of the rewards of working with people is understanding that they all have the same needs. They are just looking for a place to fit in.

Let us leave none behind. Let us recognize the value of what we are undertaking. Again, I commend the government for taking a leadership role. Let us address the gaps, the words and the bill so that it is crystal clear. Let us not make this another situation where it is so governmented up that it's unworkable.

I would really like to see the information flow improved. I should not have to rely on information being passed to me by another person on e-mail. I am thankful; at the same time, I'm well aware of the sad fact that a good part of the people who should have the input are being left out. They are not techno-literate, or are on the wrong side of the digital divide. They have no means for a computer.

Twenty years is too long. We are not building a spaceship; this is not rocket science. My group would be happy with 10, but I believe it could be done in five. The standards are out there; so is the technology. There are ways to address this. A business plan should look like a flowchart so there is no guesswork involved. The plans and standards are good. The fines are substantial. It identifies that we are taking this seriously.

I would also encourage this government to make available low-interest loans, tax incentives, and a planned dateline for development, a one- to three-year program for supporting barrier removal.

You will definitely need regional boards that have representation on a provincial board, through the Strong Communities (Planning Amendment) Act, the Association of Municipalities of Ontario or even the directorate. I would encourage that the formula used to develop these committees be the same as the formula we use for the AACs: 51% disabled persons.

There are standards all over the province and throughout the world. This is not a difficult task. Take away the choice, just as you did when you implemented the AACs.

Planning is critical. You cannot accomplish anything or any task if you have not set guidelines and timelines for completion. We need to know the extent of the exemptions being offered, other than those for historic buildings.

As board members of Community Living Algoma, we struggle to maintain a standard of living for our clients. Unfortunately, the agency has been doing little more than crisis management. There has been no increase in base funding since 1994, except for special programs, and we can only run them as long as the funding lasts. There have been layoffs, and as much as we try to say it doesn't affect the clients, with every layoff there are transfers and repositioning of personnel, which alters the consistency

of care. This is hard on these vulnerable people. This is not right.

They also cannot comprehend the comfort allowance—\$112, which will be going to \$115. On a personal level, I've raised four children. That \$112 wouldn't cover their bus passes, their haircuts, their toiletries. There's nothing left over for comfort. There's nothing left over for a hockey game or taking a lesson. We should be ashamed here.

I would like to include their bill of rights; it's something they've come up with.

**"Community Living Algoma Bill of Rights:**

**"Respect:** Respect my ability to make my own choices and decisions. We can disagree, but be nice about it. Say sorry when you are wrong.

**"Self-advocacy:** to be the person I am and choose to be; to know and understand my rights and options and have my choices respected.

**"To be heard:** to speak for myself and be heard; to get the help I need to communicate.

**0930**

**"Privacy:** to decide what privacy means to me—locks on my door; my own keys; reading my own mail or having it read to me; knock on my door; my own space to be alone; not touching my things unless I say it is OK; to use the phone in private; right to sexual intimacy.

**"Choosing supports:** to choose who, when and how I am supported.

**"Living:** to choose where I live, who lives with me and some say in who visits my home.

**"Relationships:** to spend time with who I want.

**"Work:** to explore and choose what type of job works best for me; to continue to learn and grow.

**"Money:** to be in control of my money and to decide how I spend it.

**"Free time:** to choose what I want to do with my free time and to be in control of my time.

**"My information:** to know and decide what personal information is kept and who sees it."

Students with disabilities; trained attendants or assistants: Children who have needs and need assistance are being given assistants who have no training. Kids are being left behind in programs that they should be able to partake in—swimming, social events—some because of no accessibility, some because the TAs refuse to participate. When an understanding or a working relationship is formed, there is nothing in place to keep consistency with that TA. Success is difficult enough.

We cannot continue to fight for rights. The understanding that we have with our AAC is that it's a partnership, just as Bill 118 has to be.

Questions?

**The Chair:** Mr. Jackson, do you have any questions or comments?

**Mr. Cameron Jackson (Burlington):** First of all, I want to thank you for coming such an extensive distance for the hearings.

**Ms. Roetman:** This was the closest place.



**Mr. Jackson:** It's unfortunate you weren't accommodated in Toronto.

You've expressed concern about specific timelines within the 20 years. Is there a specific sector or a priority that you'd like to recommend to the committee that we should begin with? The minister has indicated she wants to start with hotels, which was how you started your presentation, the hospitality industry and transportation. Are there areas that you feel over the 20 years we should be starting with?

**Ms. Roetman:** Education should be first. We have one child who can't go to school in his community because the community refuses to accommodate him. He has to ride an hour on the bus. He's there with children who aren't his friends and aren't his neighbours and he has no choice.

**Mr. Jackson:** Do you feel that the school boards should be required under law to file annual accessibility plans so that parents like yourself would be able to know just what—you could be auditing—

**Ms. Roetman:** It won't be any good unless you put people, parents on there with disabilities. Right now, the MUSH sector doesn't have to do that. Their plans, most of which I've looked at, except for a few, are a joke.

**The Chair:** Thank you for your presentation.

#### CATHERINE LINDEROOS

**The Chair:** We'll move on to the next presentation, from Ms. Catherine Linderoos. Is Ms. Linderoos present? Yes. You will have, as I said earlier, 15 minutes total allocated for your presentation. If there is any time left, we will allow questions.

**Ms. Catherine Linderoos:** Thank you very much. I'm hoping that most of you at this table have my speaking notes. If you don't, I'll get you a copy after.

My name is Catherine Linderoos. I'm a retired teacher. Before being diagnosed with MS in 1987, I taught school in Ontario. I taught many students with specific learning disabilities over a period of nine years. I was 33 years of age at MS diagnosis and I'm now 50. I am a member and a volunteer regional contact for the Ontarians with Disabilities Act Committee, London region.

I am very pleased that upon second reading, Bill 118, the Accessibility for Ontarians with Disabilities Act, 2004, was voted for by all three parties. I am very glad that the standing committee on social policy is here in London today hearing from the public on Bill 118.

I fully support the Ontarians with Disabilities Act Committee's brief suggesting amendments to Bill 118. You have that copy from David Lepofsky, so you know that "brief" is not the best word for it. I look forward to seeing an amended Bill 118 passed into law after receiving unanimous support upon third reading.

Regarding Bill 118, I've gone through the ODA Committee's brief and selected out a few of the amendments I want to address today.

The first one is that section 8 should be amended to the following: "Identify the minimum number of standard development committees that must be established within six months of the bill coming into force, and identifying at least some of the key standards areas that should be covered. These should include, among others, standards committees to address transportation, education, health care, the built environment, employment, large retail stores and customer service to people with disabilities." That does not reflect necessarily the order of importance, and of course that's open to your input and debate, I should think.

This morning, I would like to address the crucial area of education. When I think of education within this area, I'm thinking of standards development committees which will address special education testing, accommodations, placement and review in both elementary and secondary schools.

Today, I can highlight some unnecessary barriers to students with unidentified learning disabilities in the London area. Not addressing these barriers—in other words, not having a standards committee under the AODA, 2004, and not having the Ministry of Education's policies and accessibility reports and planning—means you do have and you will have a worsening of those existing situations where students do not receive the appropriate testing and necessary accommodations in school, become discouraged, drop out and/or fail to take full advantage of the many opportunities for education, for apprenticeships and ultimately for paid competitive work. This is a trend that Ontario, a province with a declining birth rate, declining public school enrolment, an aging population and looming skilled trade shortages, can ill afford.

It has been suggested elsewhere that only those students with the greatest special education needs are currently getting the services they need in those Ontario centres where there are a great many school-aged children with special education needs in general. This suggestion goes on to state that, because of its concentration of health care and medical resources, London, Ontario, is one such location. That may or may not be true. At any rate, we must redress the inequities province-wide as soon as possible. Passing Bill 118 with the necessary amendments will assist with this task.

I've outlined an excerpt from an association called the Learning Disabilities Association of Canada, and it's just about learning disabilities, nothing else. It refers to a number of disorders which may affect the acquisition, organization, retention, understanding or use of verbal or non-verbal information.

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Going on in the second paragraph, "For success, individuals with learning disabilities require early identification and timely specialized assessments and interventions involving home, school, community and workplace settings. The interventions need to be appropriate for each individual's learning disability subtype and, at a minimum, include the provision of: specific skill

instruction; accommodations; compensatory strategies; and self-advocacy skills.”

I’ve read the accessibility plans for 2004-05 from the Thames Valley District School Board, as well as the 2004-05 accessibility plan from the London District Catholic School Board. Of all the areas where unnecessary barriers against people with disabilities might be identified and addressed, the barriers encountered when trying to access special-education testing, identification and placement seem to have merited little specific attention in these plans.

Perhaps the accessibility working groups have privately viewed the current provincial education funding formula as the primary reason why such barriers or obstacles cannot effectively be dismantled under the ODA, 2001, and so have opted to leave that fight to another political arena. At any rate, there are written requests from the Thames Valley District School Board to aid with monies to allow measures to be afforded to remove barriers under the ODA.

I am concerned that the length of waiting lists for special-ed testing in elementary schools is a formidable barrier to students with unidentified learning disabilities. I’ve met parents who, for whatever reason, are not succeeding and did not succeed in getting their children considered for testing at all. These are extremely serious barriers. An excerpt on timeliness from the recently published discussion paper *Guidelines to Accessible Education*, from the Ontario Human Rights Commission, explains why this should be dealt with as soon as possible. That’s on the next page, page 5 of 8, under “Timeliness.”

Another sort of barrier concerns the number of students with special needs assigned to each special education teacher. That’s very relevant to southwestern Ontario because that figure is very high in school boards in southwestern Ontario, according to the *People for Education 2004 Elementary School Tracking Report*. This barrier should be dealt with as swiftly as possible.

The reason I brought forward the *People for Education* tracking report is so that you don’t have to depend on my anecdotal experience or experience in the classroom from 18 years ago, which is a very long time—a lifetime ago. I suspect we were doing a better job of addressing special-ed difficulties, at least assessment, 18 years ago than we are now, because there are 43,000 students within the province of Ontario just waiting for service, and those are the ones who have been identified. What about the ones in northern Ontario who can’t even get psychologists to identify them? That is a travesty.

Where there is insufficient funding for appropriate special-education instruction, then, at least teachers within the mainstream classrooms will better be able to accommodate those students identified as having learning disabilities. Children who are tested and told they have a specific learning disability, for example, can and should be taught to understand that they have strengths and not just weaknesses that matter at school. This is an indispensable component of teaching.

I think costs are very, very important, and I cannot overlook the fact that with a \$5.2-billion deficit, which doesn’t even compute, we have to be respectful of costs. Therefore, going on to page 5, the government and an education standard committee should immediately ask that concerned Ontarians think outside the box on the cost of this important issue. One example is that community foundations such as the London Community Foundation could be approached by school boards’ foundations. There is a program called the assistive devices program, ADP. It’s where people like me can apply for and be helped with the purchase of a wheelchair or something for mobility, like a walker. Of course, I’m not just talking about physical barriers today, but those are the examples that come to mind. As well, there could be something set up to help parents who can’t afford to have testing done when a school board says, “I’m sorry. There’s a waiting list.” Pro bono work by psychologists and psychometrists could be solicited by northern school boards. Any parent or teacher should be able to request that their child or student be tested for learning disabilities.

Look at this timeliness thing. This is from the Ontario Human Rights Commission. It talks about being a breach of the code. They mean the Human Rights Code. So being a breach of the Human Rights Code, you don’t want people having to go one by one with their barriers up against the existing Human Rights Commission, but we don’t want to get rid of it either, because it’s got some really excellent points.

**The Chair:** There is about a minute left, madam, in your presentation.

**Ms. Linderoots:** How much?

**The Chair:** About a minute.

**Ms. Linderoots:** Thank you very much. Section 9—this would be on the second last page. Section 9 should be amended to reaffirm and make it as clear as possible that accessibility standards developed under the bill shall ensure that the level of accessibility for persons with disabilities is equal to or exceeds the level of accessibility required by the Ontario Human Rights Code.

Since I’ve finished all the time I have, I just want to say one last thing. The suggestion was that education should be very, very important and brought in for students within the schools to learn about what accessibility means. I think that’s very worthwhile, and it’s very important for those people who are going to be working in the field and bringing their expertise to the standards committees—that sort of thing, the architecture, and we’ll say design consultants. They need to get to school right away. Thanks very much.

**The Chair:** Mr. Marchese has a question.

**Mr. Rosario Marchese (Trinity-Spadina):** Catherine, thank you very much. I think you’ve identified, as have many others as well, a big field of concern for students, young people with education needs. I don’t think the government had in mind to create a standards development committee that would specifically deal with this, but I think it’s a critical area. To leave that just to



the educational system, as if somehow they're dealing with it, would be a mistake. I think this would be very comprehensive in terms of what they should be doing and ought to be doing. I don't believe that that list of 41,000 students that we identified in opposition when the Conservative government was in power has been dealt with.

**Ms. Linderoos:** I agree.

**Mr. Marchese:** I believe it's still there, and I believe a whole lot of students—

**Ms. Linderoos:** Or it's growing, but we have to look for the next annual report.

**Mr. Marchese:** I'm not sure it's a question, other than just simply saying to people that they should lobby, as you're doing today, to make sure that we set up a standards development committee dealing specifically with special education in our school system.

**Ms. Linderoos:** No, but at least within the sector.

**The Chair:** Thank you very much for your presentation, and the question.

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#### CITY OF LONDON

**The Chair:** We'll move on to the next presentation, from the city of London, Susan Eagle, councillor. Good morning, and thank you for having us here in the beautiful city of London. You can start whenever you are ready. There is a total of 15 minutes for your presentation and potential questions. I know there will be people who want to ask you some questions.

**Ms. Susan Eagle:** Thank you, Mr. Chair. I'm Councillor Susan Eagle for the city of London and I'm joined today by Mr. Kash Husain, who is the chair of the city of London's accessibility advisory committee. With your permission, we'd like to combine our presentation time and that of the accessibility committee, which is supposed to follow us. So we'd like to put the two presentations together, if that's acceptable.

**The Chair:** It is. Thank you.

**Ms. Eagle:** I'm also joined by Grant Hopcroft, who is our intergovernmental and community liaison, and by Robin Armistead, who is our municipal policy specialist, if there are some questions or time during the presentation when there is a specific issue they might want to address as well.

**The Chair:** Sorry, just to make sure everybody understands, there are two presentations together. We have a total of half an hour for your presentation and questioning. Please proceed.

**Ms. Eagle:** Thank you. I'd also like to welcome the committee to the city. We're certainly delighted that you were able to come and hear the presentations that are being made today. Not only do we have folks at the front here today representing the city but we have members of the advisory committee who are also in the audience. We're joined by another staff person, Joyce Burpee, our human rights specialist, and also a councillor colleague, Judy Bryant. So perhaps that gives you some indication

of the seriousness with which we take the work you are doing and our partnership with you in that.

We believe that the public sector has a lead role to play in the creation of a barrier-free Ontario. We have long recognized that accessibility planning is a long-term process. We know that community consultation is integral to that process. As council, we join with our mayor in the commitment to build a better community through identification and elimination of barriers.

Over the last 20 years, London, with its 338,000 residents, has witnessed an expansion in the number of citizens with disabilities. Today, we estimate that there are over 43,000 people with some form of disability, and we expect that figure is going to increase as our population ages.

We began accessibility planning back in 1997, when we adopted a policy designed for the inclusion of people with disabilities in recreation facilities and services. Then, in 2001, the city joined with Partners in Leisure, a community-driven consortium of service providers working to develop a responsive leisure system for adults with disabilities. With partial funding from the city and the Ministry of Citizenship and Immigration, it co-ordinated a community response and produced a leisure directory, which provided information about leisure activities and accessible outdoor and indoor facilities.

That same year, an inclusion enhancement study identified barriers faced by children in summer day camps. Since then, new policies have been introduced, including comprehensive staff disability sensitivity training.

In 1999, city council adopted a diversity policy for the city, followed by an accessibility policy for all city departments the next year.

We have recognized the need to seek input from persons with disabilities when we have been developing these policies. As there was no accessibility advisory committee in place at the time, London council took the initiative and created a position on their diversity advisory committee for a representative from the London Ontarians with Disabilities Act Committee.

In 2001, city council adopted the facility accessibility design standards, known as FADS, to make newly constructed or renovated city facilities accessible to people with physical and sensory disabilities. Designable Environments Inc. was hired to develop these standards, with input from more than 12 local disability organizations. Libraries, local arenas, the John Labatt Centre, community centres, long-term residences and parks are just some of the facilities that were affected by this standard.

We believe that, with community involvement, everybody wins. As a city, we have tried to create accessible planning which is right for our community as well as meeting the legislative requirements of the ODA. Since our advisory committee includes members with a variety of disabilities who have direct knowledge and experience, we have a better idea now of how to eliminate barriers. As well, we've involved our staff to make sure

that we have a flow-through from the kinds of recommendations we get into active planning and implementation.

Just quickly, I want to identify some lessons we've learned.

We need to involve as many people as possible from a wide range of representation in accessibility planning. Not only does it make for a better process but it creates ownership.

We've learned that we need to promote consultations throughout the community with formal letters to disability organizations and/or telephone, e-mail or mail contact with all interested community members.

We've learned that we need to schedule consultations taking into account the needs of participants with disabilities: plan meetings around available transportation, ensure meeting rooms have enough space for wheelchairs, and ask participants what's needed in terms of accommodation, such as sign language interpreters, material format in Braille etc.

We've learned that we have a diverse representation of disabilities on any type of accessibility planning initiative and that that's critical. If it isn't possible to include the whole, broad spectrum, then we need to look for people who can bring to the table more than one area of expertise so that we try to cover as many areas as possible.

I'm going to turn things over now to Kash Husain, who chairs our advisory committee, so he can give you some of the specific details and recommendations that we'd like to make to the committee.

**Mr. Kash Husain:** With regard to standards development committees, we endorse the direction the legislation takes with the establishment of accessibility standards for both the private and public sector. The development, implementation and enforcement of a set or series of strong standards will ensure that persons with disabilities, no matter where they live in Ontario, will receive equitable treatment and be given equitable opportunity when seeking services throughout this province. It is therefore vital that these standards be comprehensive and be developed by persons with disabilities for persons with disabilities in partnership with each sector.

Bill 118 provides for the formation of standards development committees whose mandate will be to produce accessibility standards for sectors of the economy. While Bill 118 acknowledges that these committees will be composed of representatives from the government, the sector of the economy to which the standard applies, people with disabilities and other stakeholders, there is no time frame given as to when these committees will be established and how these committees will function. Nor is there any indication as to the number of standards development committees that will be established and/or the sectors that will be governed by these proposed standards.

We recommend that, rather than establishing a standards development committee for each sector of the economy, the minister consider setting up a few stand-

ards development committees with a broad scope of sectoral responsibilities.

We also recommend that these standards development committees be set up so they operate at arm's length from the government. This will be necessary to establish trust with the disabled community.

The city of London would like the province to establish a specific municipal sector standards development committee following the passage of the AODA to allow for focused representation of large and small municipal issues and standards.

Furthermore, this municipal standards development committee will be composed of a balanced, representative number of municipalities—both staff and politicians—persons with disabilities, organizations representing the disabled community and ministry officials.

We would like the ministry to identify a process for seeking applications and/or nominating members to serve on these and other standards committees, a fair review and selection process, clearly defined roles and responsibilities for each standards committee, voting procedures, mechanisms for settling disputes, and a process for reimbursement of committee members' travel and accommodation expenses.

#### 1000

Bill 118 states that there will be opportunity for public comment on proposed standards for 45 days after each standard is posted by the minister and that the committee can then make any changes it considers advisable prior to providing the proposed standards to the minister for a final decision before it is enacted as a regulation.

The city of London hopes these standards development committees will be able to actively consult with stakeholders as required while the standard is being developed. We would like to see the public record of standards committees be transparent while different points of view could be brought forward. There needs to be a clear record of each committee's deliberations and their reasons for adopting or not adopting a particular standard.

The proposed time frame of five years for the first development and implementation for proposed accessibility standards is, in our opinion, too long. We propose shortening this first development period to three years.

The bill implies that accessibility standards will come into force only when the standard has been completed in full. This could result in undue delays as some standards may take years to complete. The minister should allow standards committees to develop standards, in particular the municipal sector standards, in sections or parts thereof. This will allow the city of London to implement each section of an applicable standard without delay.

One of the positive aspects of Bill 125 was the requirement of municipalities with a population of 10,000 or more to form municipal accessibility advisory committees. However, the success of the workings of these advisory committees varies from municipality to municipality. One of the reasons for this discrepancy is that Bill 125 did not clearly specify the roles and



responsibilities for these advisory committees. Thus, it was left to them to negotiate the terms of their duties with their respective municipalities.

London chose an open and transparent process in preparing the mandate and composition of its advisory committee. Public consultation sessions were held, and Londoners with disabilities were able to contribute toward the establishment of their advisory committee. Our committee has worked hard in establishing a close, co-operative working relationship with city council. We believe we have been able to make a meaningful contribution toward making London accessible to people of all abilities.

During the past two years, we have been able to get council support on many initiatives, and we have listed for you a number of these initiatives.

Despite our success, there are many advisory committees that are still struggling. The minister has the power to assist these committees by ensuring that the terms of reference for them be enhanced and included in Bill 118. To assist the minister in determining these additional duties, we have included in appendix B the terms of reference for London's MAAC, and we hope you could use that as a guideline.

With regard to municipal standards development timing and content, municipalities are unique corporations that reflect the size and scope of the communities they serve and, as such, need flexible timelines for implementing a municipal standard. The timing of annual reporting should be flexible and linked with the municipal budgeting process.

ODA, 2001, is not specific enough for municipalities to know what is expected. It is recommended that Bill 118 be more specific related to the proposed categories for municipal standards development.

With regard to the built environment standards, I can tell you that as an electrical engineer working in the consulting business for over 20 years, myself, architects, contractors and construction personnel have been inundated with standards in the design and construction of all types of facilities. There are standards for the building envelope, standards for the electrical and mechanical systems, standards for fire protection and HVAC systems, and standards for the purchase of materials. These professionals are also required to comply with municipal bylaws in plan submissions and reviews. Should we be introducing a new set of standards or regulations governing the work these professionals do, or should we be enhancing the standards currently in use?

The Ontario building code is used by the built environment. It is, therefore, used in the design of hotels, motels, restaurants, retail stores, apartment buildings, condominiums, arenas, libraries—just to name a few—and including government facilities, train and bus stations etc. In fact, any building built in Ontario which will be used by the public must adhere to the requirements of the Ontario building code. Knowing this, why would we consider sectoral built standards, such as those for hotels, restaurants and municipal facilities, when the design of

these buildings is already governed by the Ontario building code?

We strongly believe that our time and resources can best be utilized if we work toward the establishment of a strong and effective Ontario building code, complete with a section devoted to the principles of universal design. Professionals who use these standards and codes are used to seeing regular updates and attending seminars which explain the changes that are upcoming.

The city of London recommends that its facility accessibility design standards become the built environment standard for municipalities and other sectors, if achievable. We have provided for you a CD which contains the complete set of standards, and we hope that you get an opportunity to review them in detail. The implementation of FADS, as we call it here in London, has made newly constructed and/or renovated city of London facilities, lands and services accessible to people with physical and sensory disabilities.

FADS go beyond existing regulations, standards and guidelines that currently address the needs of persons with disabilities. This standard incorporates universal design principles that benefit people of all ages and abilities.

Some of the design elements included in FADS are: access and circulation; space and reach requirements; doors, gates, windows; disabled parking; curbs, ramps, stairs and handrails; escalators and elevators; washroom facilities; signage, lighting, flooring and colour treatments; visual alarms, assistive listening systems and telephones. This gives you an indication that these standards are comprehensive and cover a wide range of disabilities. They're not just limited to those with physical disabilities.

London city council adopted FADS before the ODA, 2001, was approved because they believed it was the right thing to do and that it was also good for business.

We have a list of large and small municipalities that have formally adopted FADS—you'll see that list in appendix C—and London has specific experience in the use of this standard related to new construction and renovated municipal facilities. For example, the use of FADS has been shown to add 3% to 4% to the total building cost of new construction. FADS have also had flexibility related to heritage building standards, noting that municipalities are often the owners of buildings which can be difficult and costly to renovate.

We would like to see the concept of FADS incorporated into the next version of the Ontario building code because it incorporates the concept of universal design. We feel there should be one minimum built environment standard across Ontario. In this way, suppliers of building products will create new accessibility products that will match the market demand generated by having a common standard.

There are a couple of other standards that are currently in use by engineers and architects that we feel should also be upgraded and enhanced. These include the Planning Act and a couple of other ones that are used by

the Ministry of Transportation, specifically the Ontario provincial standard specifications and the Ontario provincial standard drawings. These are used by MTO primarily in the design of traffic signals, curbs and sidewalks. We believe that by updating these standards, the ministry would then download them on to the various municipalities and the cities that use these standards in the design of their traffic control systems. That way, there will be no need to provide a new set of standards, as they can be implemented by those produced by the MTO.

The standards committee struck to review these OPSSs and OPSDs, as they're referred to, should consist of traffic engineers and designers, MTO staff, as well as representatives from the Canadian National Institute for the Blind.

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**The Chair:** There's about five minutes left, sir.

**Mr. Grant Hopcroft:** Thank you, Mr. Chairman. I'm going to be dealing with the issues of enforcement. The proposed act is enforcement-driven and enforcement-focused and similar in approach to other enforcement-driven pieces of legislation such as environmental protection and human rights legislation. While we recognize that enforcement is necessary in some instances, we believe that education is going to be the key to success of the AODA. We encourage you to take the lead in developing a marketing campaign similar to the no-smoking campaign that's currently ongoing in Ontario. Municipalities and their accessibility advisory committees are prepared to assist in that initiative.

We think that it is incredibly important for the success of the legislation that there be some flexibility as it applies to both the public and private sector to ensure that there are appropriate periods of time for various sectors to respond to the new standards.

I'd like to also outline some concerns we have with respect to a continuation of a thread in terms of administrative penalties that we see in this legislation. This is a concern to municipalities on two counts. One is the overlap with the provisions of the provincial offences penalties that are applicable and the double jeopardy, in some cases, that places on those who do not comply. It is also a concern to us from a monetary perspective because, in the provincial offences stream, we would see the revenues from those fines accrue to the municipal sector, and that was part of the local services realignment in the 1990s.

We'd like to address as well the issue of site plan control. This is a very powerful tool that municipalities have in terms of controlling the accessibility of sites. There are many developments in the province of Ontario that are not currently covered by site plan control, and we would urge the committee, in terms of an enforcement mechanism, to look seriously at permitting retroactive requirements for site plan agreements and site plan control on sites across the province so that municipalities, in addition to the province, have a tool with which to ensure that all of our facilities, both public and private, are accessible to those who need it. Thank you.

**Ms. Eagle:** In conclusion, I would be remiss if I did not identify two other areas, and they are in the printed material that we've provided to you. One is the need for an orderly transition as we move from ODA to AODA. We certainly would be looking for some help as a municipality in making sure that there is an orderly transition there.

Finally, the area of funding, and that's not a new area, I'm sure, to this committee or to the provincial government in the dialogue that we have as municipalities with the provincial government. Certainly we do identify that there could be some funding needs that are part of moving forward and we want to ensure that there is an opportunity and some dialogue between you and ourselves and other municipalities in ensuring that there is sufficient funding from the provincial level to assist us in doing the work that we need to do.

I see that our local MPP is nodding his head, because he knows we've had many dialogues with him on this and other areas as well.

Mr. Chair, thank you very much. We appreciate this opportunity to be here. Again, our learning has been that we need to do this together, we need to be proactive and we need to be as inclusive as possible as we move ahead.

**The Chair:** I thank you. I will allow all three parties to have a minute, and I'll start with your local MPP, Mr. Ramal.

**Mr. Ramal:** First, I want to thank the city of London, Grant, Susan and Kash—I'm sorry, I don't know your name—

*Interjection.*

**Mr. Ramal:** —and Robin for coming today to present in front of the committee, with your recommendations for Bill 118. The city of London makes me proud all the time, especially when they mentioned London as an example that should be adopted across the province for working with the disabled community and being accessible as much as possible.

Susan, I want to assure you, it's not going to be like the past. Our government is not going to download things on any municipality across the province. From the dialogue between the Premier, the ministers and our government all the time with municipalities, whatever we do, whatever we move, on any issue that comes up, we like to consult municipalities and see how we can work it out together. We believe strongly that we cannot move forward without consulting with the municipalities across the province because we believe you are a true partner to go forward toward prosperity in this province.

I share your concerns about different issues, especially about the continuation from ODA to AODA. There's not going to be an emptiness. I believe the ODA will still be an act and will establish standards in order to move forward to make the linkage and the bridge in order to maintain our standards across the province, and to maintain your work. You've been working for a long time with the disabled community in this city and in this province. I thank you very much.

**The Chair:** I'll go to Mr. Jackson.



**Mr. Jackson:** Welcome. I've had the privilege of working with some of you over the years on this issue during the development of Bill 125. It's on that issue—you would probably be quite aware, Mr. Husain, that the access advisory council of Ontario specifically has in the current legislation, the ODA, the responsibility to prepare the regulations that affect all sectors referred to in the bill. So the council, as it's currently constructed with a majority of disabled persons, is required—and in fact they have been working on developing standards for the province. Are you aware of that?

**Mr. Husain:** I'm aware that the council does exist. We have, quite frankly, not had much communication with them unless it has been at meetings such as this. There has been very little communication with them.

**Mr. Jackson:** You would be aware, then, that in accordance with the act, they also have responsibility to develop regulations for programs that are provided by the government of Ontario and, further, that the bureaucrats, known as the Accessibility Directorate, are responsible under the act to prepare those draft regulations, standards, codes, codes of conduct, guidelines, protocols, all of which are to be developed by the civil service, and that both those sections in the bill that involve the disabled community are being removed under the new legislation. Are you aware of that?

**Mr. Husain:** Not as such. As I say, I was aware that some work was being done in the background, but we are not familiar with what exactly has been done.

**Mr. Jackson:** I encourage you to read—

**The Chair:** Thank you very much. Mr. Marchese?

**Mr. Marchese:** I want to thank you for your submission. I think it's very thorough and has very universal applications across Ontario and, in that regard, I hope the government will use it.

Three quick points. First, on enforcement versus education, I know that you think this is enforcement-based, at least from the way you presented it, but while there is a fine, and a big fine, it doesn't say in this document that the government will hire inspectors, it doesn't say that a director will review accessibility reports—it says they “may”—and we don't know who's responsible to administer those penalties or fines. So it appears as if there's going to be a strong penalty-fine kind of approach to this, but it's really not there. I wanted to point that out.

I agree with you on the issue of education. On the issue of municipal downloading, I won't be as sanguine as my colleague Mr. Ramal on this point because I think there are a lot of municipal concerns about downloading responsibilities to you folks, and it does involve considerable costs. I hope the money will flow.

The third and final point, because I don't have much time, is to agree with you on the standards development committee suggestions. I think you propose a lot of useful things that we should be looking at. In addition to the fact that you said there was no time frame given—and that's true, because we need a time frame to get this going—I agree with you that it shouldn't be 20 years.

I've been saying 12. It should be 10 or nine, and if we can get there, that would be great.

On the other suggestions about setting up a few standards development committees with broad-scope sectoral responsibilities, that's useful. A municipal sector would be good; you'll probably agree that there should be an education one as well, because it's big.

I want to thank you for all those suggestions, and I hope the government will review them very carefully.

**The Chair:** Thank you for your presentation. Have a lovely day, and thank you again for having us here today.

1020

#### SAULT STE. MARIE ACCESSIBILITY ADVISORY COMMITTEE

**The Chair:** The next presentation will be from the Sault Ste. Marie Accessibility Advisory Committee, Mr. Taylor, please.

Good morning, Mr. Taylor. You can start whenever you're ready. You know the rules already. Let me just remind everyone that in the back of the room there are two individuals who are available if anyone needs any assistance. You may proceed now.

**Mr. Gerard Taylor:** First, I'd like to thank this committee for holding these sessions on Bill 118. In October 2001, the province enacted what we have come to know as the Ontario disabilities act, ODA. The purpose of this act was to improve opportunities for persons with disabilities and to provide for their involvement in the identification, removal, and prevention of barriers so that they might fully participate in the life of the province.

The ODA gave the people of Ontario, and especially disabled people, the opportunity to have a voice and a platform to work from on accessibility in Ontario. In the ODA, municipalities with a population of over 10,000 people had to form an accessibility advisory committee, or AAC. Each AAC had to be made up of volunteers, and at least 51% of those members had to be disabled. Municipalities under 10,000 people could still form an AAC, but most were left to merge with bigger municipalities in order to participate in the ODA process.

One of the most important responsibilities of these AACs was to audit municipal property and respond to their city councils with an accessibility plan that identified the barriers for removal within their community. Some municipalities bypassed the committee and hired a consultant. We question whether all municipalities produced an accessibility plan. From information recently received, some neglected to submit accessibility plans in their communities. As far as we know, there have been no repercussions for not complying with the ODA, in the form of penalties for municipalities, as outlined in the ODA.

Along the way, AACs came up with more questions than they had answers for as committees had the opportunity to meet at events such as the Access Ontario conference in Sault Ste. Marie in 2003 and the Michael

Lewis memorial forum in London in 2004. There's a further AAC event planned for later this year in Burlington, Ontario, in June.

At these events, many questions and concerns were raised. Some of the most frequent question were, first, why didn't the provincial government include the private sector in the ODA; secondly, where were the universal standards in the ODA; and finally, where was the funding?

The province responded to AAC concerns, and on October 12, 2004, Dr. Marie Bountrogianni introduced Bill 118, the Accessibility for Ontarians with Disabilities Act, the AODA.

The AODA's purpose is "to benefit all Ontarians by,

"(a) developing, implementing and enforcing accessibility standards in order to achieve accessibility for Ontarians with disabilities with respect to goods, services ... occupancy of accommodation, employment, buildings, structures and premises on or before January 1, 2025; and

"(b) providing the involvement of persons with disabilities, of the government of Ontario and of representatives of industries and various sectors of the economy in the development of the accessibility standards."

In the purpose of both the ODA and the AODA, the province wants to do what is best for Ontarians. If that's so, then why does it take 20 years for disabled Ontarians to regain some self-confidence from our leaders in government?

When the ODA was implemented, AACs didn't have the luxury of long timelines when it came to developing accessibility plans for the municipalities, and most municipalities were not able to meet the fall deadlines with detailed accessibility plans. Many AAC members quit or got ill as a result of the frustrations they experienced in the ODA process. When we consider the timeline contained within Bill 118—2025—it seems that the province overlooked the sense of urgency among disabled Ontarians to obtain accessibility in Ontario.

When the province implemented the smoking ban in public places, business grumbled and groaned, but business responded with smoking areas complete with bright lights, gas heaters for the cold months, and liquor licences, which cost in the tens of thousands of dollars.

Phasing in standards will slow down accessibility in Ontario. Bill 118's adding a more significant compliance date such as 2009 would be a better idea. This is 2005, and we have the technology and experience to make accessibility happen faster than the timelines outlined in Bill 118.

Municipalities all over Ontario have been over the issue of standards time after time. Some municipalities have adopted their own standards already as bylaws, and are implementing them even as we speak. Many municipalities have gone above and beyond the universal standards in some cases.

We have all heard the phrase "Let's not reinvent the wheel." It seems redundant for the province to implement a standards development committee and allow five years for their input when we have Ontario's AACs in place

right now. AACs are waiting patiently for their opportunity to propose their ideas on standards.

Another section of our society which may be given some more consideration in Bill 118 is the MUSH sector: municipalities, universities, schools, and hospitals. The MUSH sector had to develop accessibility plans but didn't have a timeline imposed on them as to when they were going to become accessible. One main reason for this was funding. Our MUSH sector is cash-strapped and government-driven.

Our AAC went to work on that question, and they propose that the days of free handicapped parking are over, that all disabled Ontarians should be charged a fee for their parking permits, anywhere from \$5 a year. Whether you park with a permit or without a handicapped permit, it would generate funds to benefit all AACs across Ontario that are cash-strapped. Each MUSH sector could receive up to 25% of this revenue. However, the province would have to dedicate these funds to accessibility in Ontario.

1030

**The Chair:** One minute is left, sir.

**Mr. Taylor:** Accessibility means: being able to use a public washroom any time, any place; being able to get into buildings to apply for jobs, to see your physician or dentist—to be able to get through the entranceway; being able to purchase a house and not have to spend tens of thousands of dollars to make it barrier-free.

A barrier-free society means just that: free. When we make accessibility easier for disabled people, we will make accessibility easier for all Ontarians. To make an effective AODA, we must consider what is truly best for all Ontarians by striking a balance between MUSH, public and private sectors. If we collaborate on accessibility and prevent further barriers from popping up, we will have achieved a major step in a multi-step process. If the people of Ontario want accessibility, we must take the bold steps necessary to achieve the accessibility goal for all and be proud of what we have accomplished.

**The Chair:** I want to thank you, Mr. Taylor. There is no time for questioning. Thank you very much for coming, though.

#### SAULT STE. MARIE AND DISTRICT BARRIER BUSTERS

**The Chair:** The next one is from the same area, Sault Ste. Marie and District Barrier Busters, Ms. Dorothy Macnaughton. Welcome.

Ms. Macnaughton, like the other speakers, you have 15 minutes that you can use for your presentation. If there is time left, we will allow some questions or comments from the membership. You can start any time.

**Ms. Dorothy Macnaughton:** Thank you. Good morning, everyone. I'm not sure exactly who the members of the committee are that I'm speaking to, so at some point it would be really helpful if the members of the standing committee could perhaps introduce themselves.

**The Chair:** We can do that now if you want.



**Ms. Macnaughton:** That would be wonderful.

**The Chair:** We'll start with the local MPP, please: name and riding.

**Mr. Ramal:** My name is Khalil Ramal, MPP for London-Fanshawe.

**Mr. Peter Fonseca (Mississauga East):** I'm Peter Fonseca, MPP for Mississauga East.

**Mr. Ernie Parsons (Prince Edward-Hastings):** Ernie Parsons, MPP for Prince Edward-Hastings, otherwise known as God's country.

**Ms. Kathleen O. Wynne (Don Valley West):** I'm Kathleen Wynne from Don Valley West in Toronto.

**The Chair:** And I'm Mario Racco from the Thornhill riding.

**Mr. Ted Arnott (Waterloo-Wellington):** My name is Ted Arnott, and I'm privileged to represent the people of Waterloo-Wellington.

**Mr. Jackson:** I'm Cam Jackson. I am the MPP for Burlington and was the Minister of Citizenship who drafted and designed the ODA.

**Mr. Marchese:** I'm the NDP member from Toronto, Trinity-Spadina.

**The Chair:** You may proceed, Madam.

**Ms. Macnaughton:** Thank you. I appreciate that.

I represent a group called Barrier Busters in Sault Ste. Marie. We're actually an ODA committee, and we've been around for about six years or so. We're made up of people with a variety of disabilities, people who have low vision, are blind, who are deaf or hard of hearing. We have people involved in our group who have cerebral palsy, arthritis, a brain injury. We have parents with children with disabilities. So we call ourselves a cross-disability group. Everyone involved in our group is a volunteer. We have no money of any kind. We're fairly informal. We're basically a grassroots advocacy organization.

We wholeheartedly support the brief which the ODA Committee submitted. We are an ODA committee in Sault Ste. Marie that has been actively working toward strong, effective legislation to identify, remove and prevent barriers for people with disabilities. We attempt to increase public awareness and understanding of the challenges facing people with disabilities. A few of our Barrier Busters are happy to be here today: Tracy Roetman, Gerard Taylor and Catherine Meinke, who is also a member of the accessibility advisory committee in Sault Ste. Marie, as I am myself.

Living in northern Ontario has challenges, and particularly in the winter, the highway north of Sault Ste. Marie is often closed. Even if it weren't, we couldn't travel the distances involved to get to hearings in Thunder Bay; that's why we're here today. We have quite a few other people in our community who would have loved to have been able to come, but due to physical limitations, the limitations imposed on them by other disabilities, they weren't able to travel the distance.

We are pleased that this government has examined carefully the current ODA and has developed Bill 118 and the proposed AODA, creating accessibility standards

with penalties if the standards aren't adhered to. At the present time, organizations named in the ODA, such as municipalities, school boards, transit authorities, colleges, universities and hospitals, struggle to develop accessibility plans and their own standards. Some municipalities took advantage of purchasing a copy of Peterborough's accessibility guidelines, which they willingly shared. This provided an excellent base from which to create accessibility standards. Unfortunately, there is no consistency across the province.

It's encouraging that this act will apply to the private sector, something which ODA committees have been requesting for years. Our Barrier Busters group feels it's important to put a face on the reality of living with a disability day in and day out. That will help you to understand the impact of this proposed act on our lives. During my presentation, I'll give you some examples, real-life examples of what people have faced.

A person in our group who is in a large electric wheelchair can't get into her doctor's building. It's an older building, so it doesn't fall under the current ODA, and it actually wouldn't fall under the AODA, because it's not about to be built nor is it about to be renovated. She can't get into her doctor's building independently because there is no automatic door opener. The doors are too heavy for her to manage. If she does manage to get in with help, she must get a key for a small elevator which doesn't accommodate her larger wheelchair very easily. The door into her doctor's office is small. She can squeeze in, and when she gets into the examining room, there are no lifts. To make it possible for her to visit her doctor independently, this building must be totally accessible, with the same standards as a new municipal building or, under the new AODA, a new restaurant. She wants to be able to have full access to these facilities by herself.

This act will have a positive impact on people's lives only if accessibility standards are implemented within a shorter time frame, such as 10 years. Many people with disabilities are already older and won't likely be around in 20 years to enjoy the level of accessibility which this act is designed to create.

Many of our group have mobility impairments or are in wheelchairs. They would appreciate a parabus service that parallels the regular bus service sooner rather than later. Here's an example: Because the Sault Ste. Marie airport is outside of the urban service line, if someone wants to travel to the airport, they must charter the parabus at \$60 an hour, compared to the cost of a limousine ride of \$22 for someone without a disability.

Volunteers with our organization who also serve on accessibility advisory committees deserve the same service I have on a regular bus. They want to be able to arrive at meetings on time, not an hour later, and leave when the meeting ends, not an hour before the meeting ends because that's when the parabus can pick them up.

#### 1040

Many of us face attitudinal barriers. Public and private sector workers need to be educated about the act, whether it's the ODA or the AODA. Many of them don't even

know it exists. They need to be educated about how barrier removal and prevention will benefit everyone. For example, they need to know about the principle of universal design and how it makes sense not just for people with disabilities. Sensitivity training will educate everyone about what it's like to experience the impact of a disability. We deserve to be treated with dignity and respect, the same as everyone else.

There's also a need for greater understanding of the role of guide dogs and service dogs.

The public and private sectors need to understand that materials in alternate formats should be readily available for people like myself or for people who are learning disabled.

Public libraries should automatically receive funding from the province for a service providing access for print-disabled consumers, such as the CNIB library offers. It shouldn't be an add-on cost. Libraries—this is just an example of one of many public institutions—should receive funding to make their buildings physically accessible. That's only the tip of the iceberg.

I should be able to receive a menu in large print from any restaurant. I shouldn't have to ask a waiter to read what's on the menu, because many times I'm met with a gigantic sigh—"Oh, I have to read the menu to her." That may not seem like a big thing, but it is to me, because I'm frustrated enough by the limitations imposed by my disability. I don't need someone to make it harder for me.

One of the people in our group was recently watching TV—I wanted to relay this to you because she was quite impacted by this—and there was an ad speaking about how to access literacy programs. It directed people who can't read to look up "Learn" in the Yellow Pages. So these are the kinds of issues that people deal with. What a difference it can make to have the knowledge, the skills and the right attitudes.

We want to know that by having an effective AODA, children with special needs will be guaranteed access to neighbourhood public schools, the specialized help they need, and consistent home care.

Parents need appropriate financial assistance and respite care. A parent shouldn't have to quit her job—and this is the real-life situation—to take on the daunting and time-consuming task of searching out funding for her severely disabled son. There needs to be a one-stop-shopping approach.

As special-needs students leave high school, particularly if college is too difficult for them, many of them fall through the cracks and find few opportunities for employment. What kind of future will these young people have without the necessary assistance at the right time?

This act must address these very real concerns.

In Sault Ste. Marie, there are no public recreation programs for children or adults with disabilities. Our city relies on a few volunteers for a minimal level of assistance, which proves woefully inadequate. These programs should be mandatory.

Volunteers are the backbone of accessibility advisory committees and are dedicated and hard-working, giving

much time and energy to increase accessibility in their communities.

The province needs to provide a greater level of support and financial assistance to municipalities and accessibility advisory committees. There should be opportunities for accessibility advisory committees to get together and share knowledge, ideas, best practices and challenges. An annual conference funded by the province is critical for AACs to be effective.

The Accessibility Ontario Web site is quite good, but it could be more user-friendly and up to date. Here's an example: The ODA Committee, David Lepofsky's group in Toronto, notified people across the province by e-mail about these hearings, with one week's notice of the time frame in which to submit a request to come before these hearings. That wasn't for the written presentations; you gave longer for those, and I'm sure that's much appreciated. At that time, I went on to the Ontario government's Web site, and the pertinent information was not there. We got the information through our network system before the public did. It should be noted that many people with disabilities can't even afford a computer, so even if it were on there, many people couldn't access that. Computers with speech software or large print aren't necessarily available in public libraries where many people go to use the Internet.

People with a print disability have to have access to that kind of opportunity. Apparently there was a print ad in our local paper. That really doesn't help people like me or my friends or people with learning disabilities.

When some of our group finished post-secondary education, it was assumed they could pay back their student loans, even though they couldn't find employment. This is a real issue. Many of these people are on Ontario disability support payments. They do not even have money, particularly at the end of the month, for food, rent and other necessities, and they're being harassed to pay back student loans.

People on ODSP live well below the poverty line. Even though these payments were increased minimally, which we very much appreciate, they still don't have enough funds to live on. They don't wish to be on a disability pension. They deserve more from this government.

Programs such as Ontario student loans, ODSP, assistive devices programs and other Ontario government policies and programs must be reviewed and improved now so that the quality of people's lives will improve. These changes cannot take another 20 years. As baby boomers age, more individuals will become disabled and will benefit from increased accessibility. They're counting on you to accomplish this in the fastest possible time frame.

Here's another real example of a desperate situation. An elderly woman, who wants to continue to live independently in her own apartment, has low vision, arthritis and cancer, can't get adequate home care, yet our community care access centre sends back significant amounts of money. We need strong legislation to ensure this does not happen in the future.



We have submitted a detailed written submission because our group, as we did in 2001, went through the entire bill and provided our comments and recommendations. Over the past weeks we have spent hours studying and discussing the bill, and we hope you will take the time to give our longer submission serious consideration.

We look forward to the AODA coming into effect in the near future and the many positive changes it will bring for all citizens of Ontario.

**The Chair:** Thank you, Ms. Macnaughton from the Sault. You used your 15 minutes. We thank you again, and we'll move to the next presentation.

### COMMUNITY LIVING ESSEX COUNTY

**The Chair:** The next presentation is Dodie Wilson and Ray Jerome.

Good morning, Ms. Wilson. You can start the presentation whenever you're ready. You have 15 minutes, as we said earlier; use it as you please.

**Ms. Dodie Wilson:** Good morning. On behalf of Community Living Essex County, I would like to thank the committee for the opportunity to speak and for giving us a voice on such an important issue as accessibility for people with disabilities.

I'm Dodie Wilson. I'm staff representing Community Living Essex County. My co-presenter is Ray Jerome, and he receives support services from us.

Community Living Essex County provides support to over 500 people with intellectual disabilities and their families in Essex county. Community Living envisions a society where everyone belongs, has equality, respect and acceptance. The gifts, uniqueness and value of each individual are celebrated, supported and acknowledged as essential to the completeness of the whole community.

1050

Community Living Essex County has a high understanding of the barriers that are faced by people with intellectual disabilities in their communities, since their focus is to fully engage people in their communities. Although we celebrate many successes of people participating in true citizenship, many barriers still exist.

Community Living Essex County is located in a rural setting, so transportation is a huge barrier. When supporting people with limited funds and supporting more than one person, staff are unable to get people to work, to medical appointments, to school, to volunteer commitments in the community, and to participate in recreational programs. There is a need for more accessible transportation, ensuring that people with disabilities can live more independently, not having to rely on others to meet their transportation needs.

We support the direction of strengthening Bill 118, specifically identifying the need to develop, implement and enforce standards in order to achieve accessibility for all Ontarians. Members of communities, people with disabilities and organizations were given opportunities to provide input on barrier-related issues to their local

municipalities by serving on their local accessibility advisory committees and providing input on the development of an accessibility plan. Until now, these plans were considered only recommendations and applied to hospitals, school boards, colleges and universities, municipalities and government. With the establishment of standards, Bill 118 will apply to businesses, workplaces, hotels, motels and all facilities. This is a much-improved application which will identify, remove and prevent barriers in the whole community.

As well, with the establishment of standards development committees, including input from people with disabilities and mandatory compliance supported by visits from appointed inspectors, society will take the act more seriously. The implication of penalties will be viewed with the same respect by businesses, employers, organizations and proprietors as are penalties from the Ministry of Labour and the Ministry of Health. The proposed penalties are substantial and will give the bill more credibility.

The word "accessibility" in the name of the act itself does not communicate to society the full scope of its meaning when referring to accessibility issues for people with disabilities. Many people, when they hear the word "accessible," are still inclined to think of physical barriers or to visualize a wheelchair. The challenge for them in the enforcement of Bill 118 will be clarifying and educating the community that a barrier is anything that prevents full participation.

Community Living Essex County supports Bill 118 when it refers to accessibility in all areas, such as housing, employment, buildings, structures, transportation and attitudinal barriers. By removing and preventing such barriers, people will be able to experience true citizenship.

This brings me back to the enforcement of penalties. Penalties can be easily applied to tangible neglect in complying with certain requests—adding a ramp to an entrance, providing wheelchair access to a facility, or removing snow.

For people with intellectual disabilities, there are other barriers that affect them even more than these noticeable physical barriers. What penalty can you apply to barriers that are attitudinal and prevent a person from socializing, learning and making friendships? How do you enforce understanding, empathy, patience and kindness? How do you change a society that is based on productivity to encourage employers to hire a person with a disability, someone who might require more support in the beginning to learn the tasks that are required to do a job well? How do you impose penalties on professionals who, although highly educated, can many times lack understanding when providing support to families pertaining to disability issues?

Community Living Essex County supports the empowered Bill 118 and realizes the challenge to be great, but with a unified effort from all Ontarians, people with disabilities will be able to celebrate true citizenship.

**Mr. Ray Jerome:** My name is Ray Jerome.

**Transportation:** I live in a small town and have to walk everywhere I go. It is difficult to go to the city to visit my mother. Sidewalks are uneven. At traffic lights, I don't have enough time to walk across the street.

**Funding:** Prior to the most recent increase in ODSP, it was over a decade before any increase at all. It is very difficult to pay for housing, groceries, clothing and essentials on such a limited income.

**Employment:** I had a job before and I would like to get another job.

**Snow removal:** Sidewalks are not shovelled and snow is piled up in parking spots that are specified for vehicles with handicapped permits.

**Attitudinal barriers:** People still make fun of me.

**Communication:** Sometimes people don't understand me. I need more time to say what I want to say, and people need to take more time to listen.

We thank you again for this opportunity.

**The Chair:** Thank you very much. We have three minutes left, so there is a question from all three parties, one minute each. We'll start with the PCs. Mr. Arnott, one minute, please.

**Mr. Arnott:** Thank you very much for your presentation. Ray, thank you for coming in too.

**Mr. Jerome:** You're welcome.

**Mr. Arnott:** I thought it was excellent. It's good for us as committee members to be reminded about the challenges that you're faced with on a daily basis.

**Mr. Jerome:** Mainly, it's that the sidewalks are uneven or they're covered with snow.

**Mr. Arnott:** Yes.

**Mr. Jerome:** It's not kept clean. The roads should be cleaned on the shoulder so that you can walk. Otherwise, you have to walk on the road.

**Mr. Arnott:** I'm glad you brought those issues to our attention.

Dodie, thanks for your advice as well, representing your group, Community Living Essex County. Where is your office in Essex county? What town is it in?

**Ms. Wilson:** We're actually located in the town of Essex.

**Mr. Arnott:** So transportation is a huge issue for all your clients.

**Ms. Wilson:** It is, yes, for over 500 people.

**The Chair:** Mr. Marchese.

**Mr. Marchese:** Thank you, Dodie, and thank you, Ray. I have some quick responses to what you're saying.

Dodie, you and one of the other representatives from the city actually talked about education, not enforcement, but I also want to point out the weaknesses of enforcement. While it might appear that there is strong enforcement by way of penalties, there are no inspectors who "will" be hired. You create the impression that they will be appointed. They "may" be hired, which leads me to believe the province has no interest in hiring inspectors. That's one.

Two, with compliance, a director "may" review an accessibility report, which leads me to believe, on the issue of enforceability and review, that they may not—

likely not. And we don't know who's responsible to administer the penalties and fines. So while you're correct in thinking that there's an enforcement kind of component to it, it's not really there.

Education is a big one. I think everyone has identified education, in terms of awareness of the discrimination against people with disabilities, as being big. We hope the government will incorporate that as part of the bill and/or regulations, and hopefully we'll have something from them in that regard.

Ray, you raised two other points that this bill will not touch: funding and employment. Discrimination in employment is big and it will continue to be big, and the underfunding of people with disabilities continues to be a big, big problem. I hope we can convince governments they have a responsibility to deal with that.

**The Chair:** Thank you very much. Mr. Parsons, please.

**Mr. Jerome:** There's the ODSP—

**The Chair:** That's OK. Otherwise, we'll run out of time and you won't be hearing Mr. Parsons's comments. But thank you—

*Interjection.*

**The Chair:** Just wait until Mr. Parsons's comments, please.

**Mr. Parsons:** Thank you very much for appearing here. As an engineer, I find barriers like sidewalks and door widths and elevators easy to fix. They cost money, but they're easy to fix. The one that really perplexes me, Ray, is what you note as attitudinal barriers: "People still make fun of me." I struggle to find that, and I guess I'm going to ask you for some advice on how we work together to deal with that invisible but really awful barrier that you face of attitudes.

1100

**Mr. Jerome:** Can there be a letter sent to the Parliament?

**Mr. Parsons:** I'm sorry, I missed the last—

**Mr. Jerome:** Can there be a letter sent to the Ontario Parliament?

**The Chair:** Yes, of course, you can do that.

**Mr. Parsons:** If you need some time, that would be great. I would appreciate hearing from you.

**Ms. Wilson:** Also supporting Ray, I would suggest that education would be the key, education in our school programs, and also people we support or any people with any disabilities going into school programs or broadcasts on television. But I think fear is the main factor, and if we educate people, we will eliminate the fear.

**The Chair:** Just a quick one, Ms. Wynne, please.

**Ms. Wynne:** I was just going to ask Ray, could you send the letter to all the members of the committee, because I think we would all like to hear that?

**Mr. Jerome:** OK.

**The Chair:** If you need the general address, the clerks will be able to provide it. I'm sure you have it. Thank you again for your presentation and we'll be waiting for your letter.



## JOHN TRAVERS COLEMAN

**The Chair:** The next presentation is from John Travers Coleman, who is the chair of the Guelph Accessibility Advisory Committee.

**Mr. John Travers Coleman:** Mr. Chairman and members of the committee, I am here on short notice and I apologize, but I want to tell you how much I appreciate the opportunity you've given me to make a few remarks. I assure you they will be short.

**The Chair:** Actually, someone cancelled. We replaced them with you, so we thank you for making this presentation.

**Mr. Coleman:** I want to try and underline some things that you will have heard in Toronto and in Niagara—incidentally, I applaud your courage and stamina. Some of the points that have been made are incredibly important. But before I do that, I want to salute the presence and participation of Cam Jackson, who in many respects is in fact the father of ODA. If it weren't for what he championed, I don't think we would be here in the first place. I want to make sure he understands that he's recognized for that great contribution.

**The Chair:** We will let him know when he comes, sir.

**Mr. Coleman:** Thank you, Mr. Chairman.

**Mr. Arnott:** On a point of order, Mr. Chair: I would just like to inform the committee that Mr. Jackson had to step out for a minute to make a telephone call and he'll be right back.

**The Chair:** It's understandable. I just wanted to make sure that was—please proceed.

**Mr. Coleman:** There are some critical limitations in the current, proposed act, and I think it's important they be addressed repeatedly.

In the first case, it's deficient because it makes no particular reference to the Ontario building code. We know from experience in Guelph that our building inspectors will adhere to the provisions of the existing Ontario building code, in spite of the fact that we have, in co-operation with London, a very advanced set of standards or guidelines for accessibility that we have introduced. Our building inspectors say, "That's fine, but it's not covered in the Ontario building code." That's their guideline and they need that.

We need standards that are set and enshrined in the act that identify how you do things, when you have to file your annual reports and what standards are acceptable for accessibility, and they should be common. In that regard, I should identify the fact that there is a consortium of municipalities in southern Ontario—about six or seven, I think—that are working with the Canadian expert on universal design to establish a new set of standards for accessibility that should be available in May or June. We would like to encourage the province to adopt those when they're available.

Public awareness and funding are two most significant devils to accomplishing really good things on behalf of persons with disabilities. Public attitude is not supportive of what we do. Municipal funding is less adequate than it

has ever been, and the opportunity of receiving funds to do expansion programs, such as curb cuts—as an aside, 48% of our intersections in Guelph are curb-ramped, or to put it differently, 52% aren't. For people who have a mobility disability, that means more than half of the intersections are impassable. They shouldn't be, but we have no funds to do it better. At the current rate of installation of curb ramps, it will take us 72 years just to curb-ramp those existing intersections. I suggest that's probably true in every major community in this province.

I should point out that the barrier-free committees in Guelph have just been incorporated, and that allows us to seek private funding over and above what the municipality may be able to provide us, which allows us, potentially at least, to do things we have not been able to do before. While that may be an example, setting a precedent, I would encourage other communities to consider the same approach.

We have a dilemma in Guelph, and I suspect other communities may have it as well. Our local library board determines that it is independent of the obligation imposed upon the city of Guelph as regards compliance with ODA. It takes the position that if it decides to, it will, and if it decides not to, it won't. What it suggests is that it's opting out of the provisions of ODA even though it's a fully funded community service. I've tried to find out whether that's acceptable in terms of the provisions of the act, and I have no answer. So I would encourage you to advise whether such bodies are in fact obliged to comply with the expectations of ODA. It would be helpful to us.

The timelines within the act are inadequate, to say the least. I'm 72. If it takes 20 years to realize compliance with the provisions of the act, I probably won't be around to enjoy them. As to the last 10 years of labouring as a volunteer in terms of working with persons with disabilities, I may not see the results of all the good intentions of the act. I think there's a limit to public patience, most particularly to the patience of persons with disabilities. They've heard these promises for years. They have yet to realize what those promises will give them.

The support system for persons with disabilities is a disgrace. To be obliged to live at 27% below the poverty line is an insult, and that's what the provisions require. If you earn more than that by any means whatsoever, even in spite of the fact that you can't earn anything in all cases, it's clawed back and deducted from the measly amount of money that's provided each month—less than \$1,000. I find it very difficult as a citizen and taxpayer to appreciate that this government or the previous government or any other government before it would tolerate such a disgrace. While there has been a meagre enhancement of that provision, it's still an insult. It must be very difficult for you to hold your heads up with pride and accept that, because it's not acceptable.

This whole provision is predicated on the participation of volunteers, some of whom are themselves disabled, but in the case of that, how do you know the individual is disabled? Two thirds of our constituency, 16,000 in

Guelph, are invisible disabled. They have no outward evidence of a physical disability. Most of the disabilities we address, as Mr. Jackson knows, are disabilities that are invisible. They are emotional; they are attitudinal; they are a learning disability—a wide range of circumstances that have nothing to do with being in a wheelchair or using a cane or a walker. By and large, I think our collective attitude is, “We’ll pay attention to the obvious and we’ll ignore that that isn’t obvious.”

1110

I think it’s time to reawaken ourselves and look at what we’re doing and why we’re doing it and, in particular, to address that timetable. If we have to wait five years to have standards that don’t go into effect for 20 years, or whatever the other provisions may be, just like the supplementary payments to disabled persons, that too is a disgrace.

You can’t expect people who have yet to receive proper resolution to their dilemma to wait another 20 years to see some resolution. I encourage you to accelerate that as best you can.

Mr. Chairman, that concludes my unscripted remarks, but they are from the heart.

**The Chair:** Thank you for that. There is six minutes, so two minutes each for questioning, but I wanted to let Mr. Jackson know that he was very complimentary of you. I’ll start with Mr. Marchese.

**Mr. Marchese:** Thank you very much. Is it Teeny or Tiny?

**Mr. Coleman:** Trav. T-r-a-v. There’s been a change to the agenda.

**Mr. Marchese:** Oh, sorry.

Just a couple of remarks on the timelines. This is the first hearing where literally everyone has talked about the fact that the timelines are too long. I am consistently raising it, and I think it’s going to become very difficult for the government members to overlook the fact that everyone is saying the timelines are too long. In every other place we’ve been, the government members have been saying, “Look, it’s a 20-year period. Don’t worry, there’s a five-year cycle of committees doing their work, so things are happening.” I disagree with them, and I think you strongly disagree with them, as many others do. I hope that they will listen to all of you when the time comes to make changes to this bill.

The other one has to do with standards. You make a good point, and others have made it too, that many have said we need guiding principles and values for the standard development process. Because we don’t have such guiding principles, it means that the various groups that are out there can do whatever they like.

**Mr. Coleman:** Pretty much.

**Mr. Marchese:** So I think you’re saying to the government members that government has to establish the guiding principles for the standards development committees before they go out and do their work, and that that work should start immediately. The time frame probably, in your view, shouldn’t be longer than 10 years, I imagine.

**Mr. Coleman:** I don’t have a magic calendar to suggest to you what it should be. I can simply tell you that 20 years or five years, whichever, is simply too long and not acceptable.

**Mr. Marchese:** I also want to agree with you in terms of the support systems. Governments keep on saying they just don’t have enough money. The Conservative government took away \$13 or \$14 billion from our income tax system. That means we don’t have any money to give out to people. The current government says, “We’re unwilling to raise taxes,” although they had to break that promise and raise taxes in order to be able to get money that we need. But unless we find dollars through a progressive system to be able to help people in need, they will be, as you say, 27% or 25% below the poverty line, and that ought to be unacceptable to any human being. I agree with that.

**The Chair:** Thank you. Mr. Leal?

**Mr. Jeff Leal (Peterborough):** The government of Ontario is now providing gas tax to enhance transit for municipalities across Ontario. As a former municipal councillor in the city of Peterborough, are you going to the Guelph city council to make sure a portion of that money is being used to enhance transit for the disabled? I think that’s a key area where we’ve got to keep their feet to the fire to make sure they deliver enhanced transit for the disabled. I just want to get your comments.

**Mr. Coleman:** We have a rather unique situation in Guelph, I suspect. We have what’s called a corporate steering committee made up of department heads of the municipal organizations that serve the public, including transportation. I talked to Randall French, who runs our city transportation system, yesterday, and he’s ecstatic because of the share of the gas tax that they’re getting, which will amount over three years, if I recall correctly, to some \$6 million. All of the problems that he had with respect to providing, for example, low-floor buses and other conveniences of service to persons with disabilities—most particularly those with mobility disabilities—while they haven’t been eliminated, have been addressed most significantly.

**Mr. Leal:** It’s always been my view that municipalities should set specific targets to enhance disabled transit.

**Mr. Coleman:** We have. The accessibility plan that we file each year—I think we’re into our third one now—identifies not only what we have done and what we’re planning to do, but the timetable in which we’re trying to achieve those objectives. Our major difficulty in transportation at the moment has nothing to do, however, with city transport; it has to do with the fact that as of about a year ago, we no longer have accessible taxis in Guelph. We are before the police services board to resolve the taxi issue. They’re not armed, I don’t think. We can’t convince the community and certainly not the two cab companies that they should provide accessible taxis.

**The Chair:** Ms. Wynne, a quick one, please.



**Ms. Wynne:** Thank you for being here today. I just want to go into this time frame issue. Mr. Marchese is absolutely right; we have heard over and over again about the time frame. You said at one point that the 20-year time frame is too long, and I understand. What we're trying to do is put that in as an end date, not a start date.

I just want to read you the section on standards development: "The standards development committee shall fix a target date for the implementation of the measures, policies, practices and requirements that the committee identifies for implementation at the first stage and the target date shall be no more than five years after the day the committee was established." So getting those province-wide standards in place—they have to be developed—and putting those committees in place with people from the disability community on them is a major thrust of the bill.

What I'm interested in is your comment—and it was not emphasized—that five years is too long as well. I just need to ask you to expand on that.

**Mr. Coleman:** Thank you for that opportunity. I've been involved in bureaucracies virtually all my life as a consultant, and one of the great dilemmas I find, and I think it's inherent in this current proposition, is that instead of dealing with the obvious information that's at hand, the tendency is to form a committee and give it three or four years to study a thing that's already been studied to death, to get the answers you already know. That's the beginning problem.

**Ms. Wynne:** All right, let me just push on that a bit. You're saying there is consensus, and I guess where there's consensus—I completely agree with you—we need to tap into that consensus. My concern and my experience are that in a lot of these areas there is not consensus, and we need to build that. So we need your help in finding those areas where there is, and where there can be quick action. That's why these hearings are so important, so we can tap into the community.

**Mr. Coleman:** The greatest resource your committee has is the AAC organizations.

**Ms. Wynne:** Absolutely.

**The Chair:** Thank you, Mr. Coleman. That is all the time we have. Thank you again for coming here.

**Mr. Jackson:** On a point of order, Mr. Chair: You indicated that all three caucuses would be given two minutes.

**The Chair:** Oh, I'm sorry. OK, you have two minutes, of course. My apologies.

**Mr. Jackson:** Thank you very much, Mr. Chairman.

Trav, thank you for being here and thank you for those very kind words. When you mentioned the 20 years, you may in your *[inaudible]* referring to me as the grandfather of the ODA.

**Mr. Coleman:** I'd be in the same boat, Mr. Jackson.

**Mr. Jackson:** I'm afraid so, although I hope I look as good as you at 72.

Unfortunately this committee has not received any briefing whatsoever on the ODA and Bill 125, and

you've referenced it in your remarks. When you talk about time frames, there are time frames in Bill 125, as you know. For example, it was very specific that the accessibility advisory councils had to be up and running by a certain period of time. That was the first timeline, and to a high degree, that's been honoured. But Gerard from Sault Ste. Marie referenced in his brief, when you were in the room, that not all have complied.

The second thing I put in the legislation was a \$50,000 penalty to every municipality, every hospital, every school board that didn't file. The government, in the last 17 months that it's been the government, has chosen not to proclaim that section of the bill. We didn't need to wait four years to do that because the timeline was clear. You had to get up—but you couldn't impose this fee on people two months after the ODA, because there weren't accessibility advisory committees in the province. That was something I made sure was in the bill.

**Mr. Ramal:** On a point of order, Mr. Chair: I want to note for the record that no change has happened. The ODA, 2001 is still an act and to put standards. So whatever has applied in the past will continue to apply in the present until we change it.

**The Chair:** Thank you. That's clarified.

Mr. Jackson, you still have the floor.

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**Mr. Jackson:** I don't think that was the point I was making, but anyway, we'll proceed.

We now know there are organizations that are in violation of the current legislation and are breaking the law for disabled persons. There are municipalities—and Gerard put that in his brief. The government tomorrow could take it to cabinet and proclaim that section. You know that as well as I do, from your experience working with governments. They are refusing to do that. You would have accessibility plans on the government's table tomorrow if they knew there was a \$50,000 fine. We have to wait 20 years before the penalty section kicks in under the new legislation, so the one and only penalty that's in there isn't being enacted.

The second timeline is the five-year review. This is fascinating. Nobody has raised this yet, but it's bothering me. The five-year review under the ODA begins in 10 months and the purpose of that review is to force the ODA back on to the table of government and force them to make the amendments as to what hadn't occurred in the first five years. This is significant, because five years will have already gone by since Ontarians with disabilities had been asked to have some clout.

The final point I want to make—and we could go with a dialogue here, which we can't because of time—is that the Accessibility Advisory Council, which is a majority of disabled persons, is empowered under the current act to create the regs and standards in sectors that do not need to be put to an all-encompassing committee to study for five or 10 years. These are very simple standards, like building code compatible with the Human Rights Code. Do you agree?

**Mr. Coleman:** I agree in principle. The dilemma is that the organization you speak of has not once been in contact with our committee. So we're operating in the dark in respect of what that—

**Mr. Jackson:** Because it's directed by the minister.

**Mr. Coleman:** I have no idea why. I can only report what—

**Mr. Jackson:** Well, that's with the access.

**The Chair:** Thank you, Mr. Coleman. I think we clarified a few questions. We thank you again for being here today.

**Mr. Coleman:** Thank you, Mr. Chairman. I particularly appreciate the last-minute opportunity to speak.

### ACCESS GUIDE CANADA

**The Chair:** The next one is Access Guide Canada, Anne Robertson. Please have a seat, Madam. Again, there is 15 minutes that you can use as you please. You can start any time. If anyone needs any assistance, as I said earlier, we do have two individuals who are available for your assistance if there is any need. They are at the back of the room. Please go ahead.

**Ms. Anne Robertson:** Good morning. I'm here to speak as part of the disabled community. I'm one with an invisible disability. I'm also here in my role as a volunteer with Access Guide Canada. I am also a member of the London Accessibility Advisory Committee and I'm a trained occupational therapist.

Access Guide Canada is an on-line directory of accessible resources, such as restaurants, hotels, events and organizations. Volunteers across Canada go out and record the details in their own area and enter them on-line. This gives a record of what is accessible and where the barriers exist so the disabled community can refer to it when they're planning.

Personally, as an Access Guide Canada volunteer, I have assessed over 140 facilities and services in London. We only do buildings that a user of a wheelchair or walker could enter, but once you get inside, the barriers are staggering. Even when a washroom is marked "accessible," often it is not. Sometimes you can get the wheelchair in but you can't close the door. Sometimes washrooms are built to the building code and inspected, but they're not accessible. Sometimes—more often than not—they're used for storage. It seems to be a variation on a theme. Other times you go up a ramp to an outside door but it's impossible to get the door open. I could tell you stories of what I have seen out there.

Bill 118 addresses this problem to some extent, with the establishment of the accessibility standards appropriate to different sectors. The bill needs to speak of inclusion of universal design in these standards. This has been spoken of before and is a key point.

Since everyone, and especially government, is in favour of being economical, the city of London has already developed a standard including universal design, and they call it FADS, facility accessibility design standards. FADS incorporates the belief in universal design

that recognizes the broad diversity of people who use facilities. Universal design is defined as "the design of products and environments to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design." Note that it is not design just for the disabled or a specific sector. Universal design needs to be incorporated into all sectors.

A frustration that I have encountered often in my ventures is that after I had completed an assessment, I would inform owners of existing barriers and usually give them written material on how to remedy the problem or where to purchase materials. I'd really have to sell it because I knew it wasn't very likely that the change would be made in a timely manner, although there were places like Masonville mall that had all of their changes made in two weeks. If there were serious ones, such as if the automatic door opener was broken or if there was no handle to open the cubicle door in the washroom—everybody else got a handle to open the door, but there was no way to open the door in the accessible cubicle—or if there were no raised or Braille buttons in the elevator, I would return to that facility to see if they had followed through.

I am so glad to see that there is going to be some kind of enforcement through this bill. People go to the path of least resistance, and often they have good intentions, but until it is mandatory, it will not happen. This is a big plus for Bill 118 over the Ontarians with Disabilities Act, 2001, but it is going to take time before this gets into place and the committees are appointed and the standards are developed and the reports are formed. We have to remember that the persons with disabilities are waiting. Again, the time frame comes up. We have to work with the committees to see where the standards already exist so that we're not reinventing the wheel.

Education is so important. You cannot effectively have regulation and change without education. In section 31, one of the duties of the proposed new Accessibility Standards Advisory Council is public information. This would not be sufficient since education is the key to change. The proposed Accessibility Directorate of Ontario in section 32 has the accommodation only for public education as it relates to the implementation of the act. Bill 118 needs to include a component for educating the public on disability and inclusion issues. We cannot create an accessible environment without an open-minded, educated community.

I would like to thank the committee for their time and for allowing me the opportunity to be part of this democratic process. I also want to thank all parties for voting on Bill 118 on second reading. I encourage you and your parties all to vote on the third reading, with some amendments, so that it passes and we will be on our way to building a stronger Ontario. This bill affects a large segment of our population. As someone told me recently, we are all a disability waiting to happen.

**1130**

To finish, I have an illustration to show how desperately we need public education and enforceable stan-



dards. I cannot remember where I was doing the assessment, but the group of people I was with were so very excited that they had a new, fully accessible washroom; did I want to see it? So they took me over and we opened the door. I was expecting to see a room, and then I looked down. There were 15 stairs going down, and there at the bottom was their new, fully accessible washroom. I think they missed the boat.

**The Chair:** I thank you for your presentation. We have just run out on the 15 minutes, and we thank you again.

#### DAVID DIMITRIE

**The Chair:** We'll move on to the next presentation, which is from David Dimitrie. Mr. Dimitrie, again, there are 15 minutes that you can choose to speak for, or you can allow for some questions. You can start at any time.

**Mr. David Dimitrie:** Good morning. My name is David Dimitrie. I am appearing before this committee as an individual who has lived with a chronic mood disorder called manic depression and obsessive-compulsive disorder for 18 years. I also have chronic spasticity in my legs, which hinders my ability to walk and causes extreme fatigue, leg muscle pain and muscle spasms.

Accessibility to employment and to goods and services is the main barrier that I face. I am an elementary French teacher and digital pre-press specialist in the printing trade. I have two university degrees and a community college diploma. Although I am totally fluent in both official languages in addition to German, most employers that I have contacted can't get past my mental illness's disabilities. To put it bluntly, they look terrified and embarrassed when I bring up my mental health disabilities in order to obtain workplace accommodations. Unfortunately, I also get this reaction quite frequently from civil servants at various provincial ministries when I disclose my mental health disabilities and ask for accommodations while accessing government services.

I experience this same reaction from others due to the visible hand tremors, stammering speech, dry mouth and profuse sweating which leads to dehydration that I experience. These symptoms are side effects of my medications. My obesity is a direct result of my daily large dose of lithium carbonate for manic depression. Before I took lithium, I ran marathons and played hockey. Today, my obesity, constant dry mouth, dehydration and muscle pain in my legs limit my mobility to short walks.

It has been my experience that mentally ill persons are often assumed to have low intelligence and to be prone to violence. Don't call this "stigma." Call it what it is: prejudice. This prejudice has led to my painful and isolated existence and kept me from using my education in the workplace, where I want to be.

I would like to thank the Honourable Marie Bountrogianni, Premier McGuinty and the members of this committee for their work on Bill 118, the Accessibility for Ontarians with Disabilities Act. Disability issues are clearly a high priority of this government.

I have spent the past eight years educating the public, retailers and employers about the ODA and disability rights. I have studied Bill 118 thoroughly. Unfortunately, I cannot support it as I supported and lobbied for the current ODA. I reached this position for many reasons which I would like to explain today.

(1) Bill 118 is biting off more than it can chew. The road to accessibility for all the groups represented in the current ODA definition of "disabled" requires many pieces of legislation, written specifically to break down barriers unique to each disability. For example, the barriers that I face are largely attitudinal and organizational in nature, whereas my friend Jim, who lives with cerebral palsy, requires more building and workstation accommodations. There is no one magic piece of legislation that will make Ontario an accessible place for disabled persons.

(2) It is futile to discard the existing act less than four years after its creation. The current ODA has broken the ice on the issue of accessibility in Ontario. It deserves more time. The advisory committees created and the work that has been done in the past few years have made a difference in municipal and provincial government through mandatory accessibility plans. The current ODA has made a difference in new building construction and renovations at the provincial government level and to some extent in municipalities. Many municipal governments, including London, have voluntarily adopted building standards for municipal buildings which far exceed the current building code: FADS in London.

(3) The 20-year timeline that Bill 118 uses does not take into account changes in government and the government policy that will occur in the next 20 years. Three years from now, we could have a new government that could repeal or replace this legislation.

(4) Bill 118 lacks an effective conflict resolution system for disabled individuals. As I read the bill, the job will fall to inspectors and a tribunal that will be created at some point in the future. There is no mention in the bill about how disabled Ontarians will file complaints or represent themselves in complaints. Our legal aid system is overworked and underfunded. Many lawyers do not accept legal aid, and legal clinics are overwhelmed with eviction issues at the Ontario Rental Housing Tribunal. Most Ontarians do not qualify for legal aid. If they do, it's often insufficient to cover the entire legal matter.

(5) The role of the private sector contained in Bill 118 is insufficient. While they will be consulted on standards, it is doubtful that they will have much clout when it comes time to write the standards. Bill 118 is economically threatening to small businesses, employers and many other groups not covered in the current ODA. Having read the bill, I found the role of the standards committees, the standards development process, inspectors and fine structure heavy-handed and unlikely to elicit co-operation from the private sector. All facets of the private sector must co-operate with any plan to make Ontario more accessible. If private sector co-operation is the goal, Bill 118 is the wrong legislation to achieve it.

Chambers of commerce, local business associations and other interested persons in the private sector could work directly with disabled Ontarians through other voluntary means to improve co-operation. I believe the private sector wants to create an accessible Ontario, but they fear high costs and heavy-handed bureaucracy from Queen's Park. The private sector would be able to build accessibility into their hiring, marketing, construction, store layout, staff training and customer service policies if they were approached in a co-operative manner. Co-operation with the private sector could lead businesses and employers to see disabled persons as customers or potential employees instead of a burden to their bottom line.

Bill 118 is an unwieldy, expensive, over-reaching piece of legislation. Bill 118 should be scrapped.

I have an alternative for this committee to consider.

For reasons stated above and given previously through my long and passionate involvement in disability issues, I suggest that a ministry for disability issues, hereafter known as the MDI, is the best alternative to Bill 118. The current ODA would remain as a foundation for the new ministry.

For 10 years, two provincial governments, countless persons with disabilities and many others have in good faith attempted to draft one piece of legislation that will make Ontario an accessible place to live for the many groups included in the ODA definition of "disabled." There never was, and there never will be, one act that can achieve everything that Bill 118 is trying to achieve. I have worked on disability rights issues for the last eight years, and I no longer believe that the Legislature can craft a one-size-fits-all disabilities act for all of the affected groups. At some point, the provincial government is going to have to stop looking for the magic piece of legislation that will make Ontario accessible. It doesn't exist.

The benefits of a separate MDI are as follows:

(1) A separate ministry for disability issues, MDI, will work with each ministry and the private sector through existing advisory councils. The Accessibility Directorate of Ontario and the provincial advisory council should be folded into this new ministry.

(2) A new layer of voluntary advisory councils would be created in cities and towns across the province, made up of members of the private sector, that would improve education and accessibility in retail stores, hiring committees and many other areas of the private sector. These recommendations would gradually be written into law in the respective ministries.

(3) A ministry for disability issues could be a watchdog for human rights abuses that disabled people face daily. The Ontario Human Rights Commission has consistently failed in its role to protect disability rights and improve accessibility. The previous government believed it could be the enforcement arm for the ODA. They were wrong. Anyone who has gone through the miserable process of filing a complaint and waiting for a year or seven years for a resolution knows how humiliating and degrading the process is.

An MDI would put a minister at the cabinet table whose sole responsibility is to handle disability issues. It's time that disabled Ontarians had the same amount of power at the cabinet table as Bay Street lawyers, financiers, developers and lobbyists. The minister could influence legislation from other ministries that may have ignored the needs of persons with disabilities. One of the most important pieces of legislation a Ministry for Disability Issues could influence is the Ontario building code. It's currently being revised and is in desperate need of attention to issues of accessibility.

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(4) There are at least 1.5 million Ontarians living with disabilities, and the numbers are growing exponentially with the aging of the baby boomer generation. Persons with disabilities range from newborns to elderly persons. Premier McGuinty would be sending a very strong statement to all provincial ministries if this ministry were created.

(5) Lastly, a new ministry would correct one of the weaknesses of the ODA by placing an emphasis on print and electronic advertisement, advocacy and public education. Disability issues would be integrated into the school curriculum.

The federal government has already recognized the need for a permanent institution that deals with disability issues. It created the Office for Disability Issues under the portfolio of Human Resources Development Canada. Ontario should follow their model and create the MDI. A Ministry for Disability Issues could work cooperatively with its federal counterpart in providing grants, tax incentives, work subsidies and other bilateral services to disabled Ontarians.

The real battle for disability rights will be won one person, one business and one employer at a time, not through massive legislation that promises next to nothing in the near future. Disabled persons must begin to advocate for themselves on a continual one-to-one basis with retailers, employers, family, friends, work associates and anyone else who affects their lives.

I have presented my objections clearly to Bill 118. At the same time, I've provided an alternative for the committee to consider. I'm asking that the committee allow disabled people to escape from the shadows of the citizenship ministry and into their own ministry. It's a matter of civil and charter rights.

My good friend Jim has lived with cerebral palsy his entire life. He has often told me about the lack of government support for him in his goal to return to work in his chosen field as a bookkeeper. He lives on a meagre ODSP pension. He continues to speak out for disability rights with anyone who will listen. A permanent ministry dedicated to people like Jim and me and the self-empowerment of disabled persons will produce an accessible Ontario on a reasonable timetable.

In my work and studies, I've found that passion is a good thing. Passion mixed with sober thought and analysis is even better. The ODA passed in 2001 is a solid foundation upon which a permanent Ministry for Disability Issues should be built.



**The Chair:** Thank you very much for your presentation. We have three minutes, one minute each, and we'll start with Mr. Ramal.

**Mr. Ramal:** Thank you, David. I've been listening to you a lot. Thank you for continuing to be active. Hopefully, we can take your recommendations to the minister and to the Premier.

Things like creating another ministry would be creating another layer of bureaucracy and will delay stuff. You don't think the Ministry of Citizenship is doing the job it's supposed to do in order to deal with the issues? Just as a result—

**Mr. Dimitrie:** A separate ministry would put a cabinet minister for disability issues at the table for every cabinet meeting. That would be on the news every night and that would put disability issues on the front burner. I don't see any downside to that.

**Mr. Jackson:** David, I'm afraid I have to say that I've been waiting for someone in the last three and a half years to figure out just what happened in 2001, and I think you've hit it. I'm going to be very, very honest with you. Your idea was first floated and was rejected because governments don't like being told how to create new ministries. I personally agree with you, but that was not in the cards. It's unfortunate, but you've hit it.

Recently, a reporter asked me, "Cam, three years after you did the ODA, what are the two largest impediments?" My answer was changes in ministers and changes in government. You've figured it out. By having a permanent ministry that requires—I remember that the Liberals years ago did this with the Ministry of the Environment. They stuck Jim Bradley there for five years, and rightly so. They needed progress in that ministry. They kept the minister there for five years. It was the proper thing to do. Unfortunately, today you've got Minister Bountrogianni, who is one of the busiest ministers in this new government. The monies allocated for disabled persons in her ministry represent 2% of her total budget. In theory, that should represent about 2% of her time management. That's a flaw in the system.

So I commend you for sifting through this and saying, "You know what? We're asking politicians to try and think through the lens of the disabled." There are very few disabled who have tried to think through how bureaucracy acts. You've done that here.

**Mr. Dimitrie:** It's ironic that you said she gets 2% of her time and resources for that, when 20% of Ontarians are disabled.

**Mr. Jackson:** Exactly. Bingo.

**Mr. Dimitrie:** I can't say any more without being redundant.

**Mr. Jackson:** You've hit this point. Finally, I want to suggest to you: In line 127 of your brief, you talk about the portfolio of Human Resources Development Canada. The first person I chose, and I hand-picked the individual, to head the Accessibility Directorate of Ontario was a lawyer from Thunder Bay named Dave Shannon. I told the Premier I would take the job on the condition I got

the best person in the province of Ontario to do the job. He was Lyn McLeod's Liberal riding president. I said, "I could care less about the man's politics. He's the best man to do the job." Four months on the job working for Ontario and the federal government took him and hired him at Human Resources Development Canada. I rest my case.

**The Chair:** Thank you, Mr. Jackson. Before I go to Mr. Marchese, there was a point of order. Could I just allow that, and then I'll move on.

**Mr. Ramal:** On a point of order, Mr. Chair: Just to note for the record, Mr. Jackson is mixing up two ministries. We have a Minister of Citizenship and Immigration 100% devoted to volunteers and disabled people across the province. We have a full administration to look after the whole venue. That's just for the record.

**Mr. Marchese:** David, I want to respectfully disagree with your recommendation. Even if you change the title of the citizenship ministry to Ministry of Disability Issues, it wouldn't mean a thing. Just to complete the point, what you need to deal with disability issues is a strong law. We introduced employment equity and there was a great deal of disagreement about how to do that. This government got rid of it in no time at all. Doing things voluntarily doesn't work. The previous law, the ODA, didn't have the private sector included. It was incredibly weak. It was an effort, with all due respect to Cam—he on his own made a good effort—where his government didn't support him in that regard.

**Mr. Dimitrie:** Mr. Marchese, let me briefly—

**The Chair:** We are going—

**Mr. Dimitrie:** He said something that was false.

**The Chair:** Excuse me. I hadn't finished yet, sir, and I will allow you to speak. What I'm trying to do is that we are over the time and Mr. Marchese has the floor. I will allow you to make a comment after Mr. Marchese, and that will make everybody happy.

**Mr. Marchese:** My view is that we need a strong law. This law we have here in front of us is an improvement on the old, and it's very weak and it needs to be strengthened on the basis of what so many deputants have suggested, with which I agree. So I'm just saying to you that, in spite of what you said, I'm disagreeing with you.

**Mr. Dimitrie:** There was a false statement. At no point did I say that the citizenship ministry should be abolished. I said an MDI should be created. At no point did I say that.

**Mr. Marchese:** That's fine, David.

**Mr. Dimitrie:** And I did not come up with this idea over a coffee at Tim's.

**Mr. Marchese:** I understand.

**The Chair:** Mr. Dimitrie, thank you very much. You made a good presentation. A little debate helps sometimes. Thank you for qualifying it. If you still have any questions, we can certainly speak in 15 minutes, because we're going to break for lunch.

## CITY OF KITCHENER

**The Chair:** The last presentation before we break for lunch is from the city of Kitchener: Margaret Sanderson.

**Ms. Margaret Sanderson:** Good morning. My name is Margaret Sanderson. I'm an inclusion coordinator responsible for corporate accessibility issues, representing the city of Kitchener. I'm joined today by my colleague from the city of Waterloo, Lori Ludwig, who is an organizational leader with the city of Waterloo.

We welcome this opportunity to make a brief presentation to the standing committee on social policy with respect to Bill 118, the Accessibility for Ontarians with Disabilities Act.

The cities of Kitchener and Waterloo have worked collaboratively in a purchase-of-service arrangement in the area of disability issues since 1988, and continued to do so with the implementation of the ODA, 2001. The city of Waterloo supports the city of Kitchener in our presentation today regarding this pending legislation.

I would like to begin this presentation with the statement that both cities support the spirit and intention of Bill 118 and the enormous breakthrough that this legislation represents for persons with disabilities, not only in our communities but across Ontario.

We are here today to offer our cities' assistance early in the process of the development of Bill 118 and to present three main points that our municipalities would like brought forward with respect to the legislation. Our cities have significant expertise in the area of removing barriers of all types affecting the full participation of persons with disabilities. The following achievements are noteworthy:

In 1999, municipal planning staff and persons with disabilities completed barrier-free accessibility standards. The standards are recognized in our communities, and we are now working to have these standards adopted and implemented in our neighbouring municipalities.

In 2000, resolutions were passed by both Kitchener and Waterloo councils urging the province to enact a strong and effective Ontarians with Disabilities Act.

In 2001, there was a resolution by Kitchener and Waterloo councils to endorse the 11 principles for an effective Ontarians with Disabilities Act. This document I'm sure you're familiar with, as it was unanimously passed by all parties in the provincial Legislature.

In 2002, city of Kitchener chief building official Jim Witmer acted as the chairperson of the Ministry of Municipal Affairs and Housing's technical advisory committee on barrier-free regulations of the Ontario building code. That same year, direct input from Kitchener and Waterloo residents with disabilities was submitted for the Ministry of Municipal Affairs and Housing's consultation on barrier-free access requirements in the Ontario building code.

Municipal staff and persons with disabilities from both cities have also provided strong leadership and action in

the development of the Ministry of Citizenship's 2002 Playability Tool Kit around building accessible play spaces in Ontario, in co-operation with the Ontario Parks Association. This document is utilized across the province. The Designing for Inclusion forum in October 2003, funded by an AccessAbility grant from the Ministry of Citizenship, involved a steering committee of several neighbouring municipal staff from Guelph, Cambridge and Kitchener-Waterloo, persons with disabilities, non-profit organizations and staff representatives from the Ministry of Citizenship and was well attended by over 200 people from southwestern and central Ontario.

The cities of Kitchener and Waterloo were cited on the Ministry of Citizenship's Accessibility Ontario Web site as a best practice in our vision to create a seamless community for persons with disabilities with the creation of a joint accessibility advisory committee, which is called the Grand River Accessibility Advisory Committee. It is the committee for six municipalities in our area—the region of Waterloo, the cities of Kitchener and Waterloo and the townships of Woolwich, Wellesley and North Dumfries. Two members are here today, James Hunsberger and Brad Ullner, and you will be hearing from James Hunsberger later today representing the Grand River Accessibility Advisory Committee.

With our strong history, passion and involvement of persons with disabilities in removing local barriers, we would again like to offer our assistance to the provincial Legislature and the Accessibility Directorate in the development of Bill 118.

As mentioned earlier, our municipalities have three main areas we would like to see addressed in the legislation.

**Mandatory standards:** This bill, we know, will include the implementation of tangible mandatory accessibility standards. Our recommendation: The cities of Kitchener and Waterloo would like to reinforce the importance of municipal representation on provincial standards development committees and are requesting representation from the cities of Kitchener and Waterloo as a member of any provincial standards development committee proposed under the new legislation, especially those pertinent to accessibility standards for municipalities.

**Timelines:** This legislation requires full consultation by the province, upon release of proposed accessibility standards, with stakeholders, including municipalities. Currently, the act proposes a 45-day turnaround time. There is a need to have reasonable and achievable timelines for implementation.

With respect to the removal of physical and architectural barriers, our recommendation is as follows: to follow the current process that the Ministry of Municipal Affairs and Housing has with respect to proposed changes to the Ontario building code; that is, that the timelines be moved so they would be more consistent with respective requirements to proposed amendments in the Ontario building code, which allow all stakeholders to meet and discuss the impacts of proposed changes



from the perspective of their particular interest group—in this case, home builders, non-profit groups, the province, municipalities etc.

**Funding:** Again, the city of Kitchener supports the spirit and intention of the legislation. However, with additional requirements of the proposed act, the cities are recommending that funding assistance from the province be considered in the passage of new legislation, as it is expected that costs to municipalities will be significant to implement requirements of the act.

In summary, we thank you for this opportunity to present this morning. We are here to offer our assistance in the development of this legislation early in its evolution and, as highlighted, to bring forward the three areas of recommendation with respect to mandatory standards development, timelines and funding.

**The Chair:** Thank you very much for your presentation. We have three minutes. We'll start with Mr. Arnott: one minute each, please.

**Mr. Arnott:** I want to thank you both for your presentation today and for being here, and for the information you provided this committee about how the cities of Kitchener and Waterloo are providing real leadership across the province on this issue.

You mentioned earlier in your presentation that mandatory accessibility standards have been developed by our cities. Can you elaborate a bit on that, as to how we might adopt some of those standards for the provincial standards that are being contemplated?

**Ms. Sanderson:** Actually, the standards are not mandatory, but they have been developed and are encouraged through dialogue with our planning staff and the building sector and developers for implementation. We are now in discussions with three or four other local municipalities and townships to adopt those standards so that they go beyond Kitchener-Waterloo into the townships and rural communities, so that a person with a disability doesn't have to notice a change when they go from one city or township; the standards would in fact be used throughout the community.

**Mr. Marchese:** Thank you, Margaret. The last comment has to do with funding. We were almost getting assurance from some of the Liberal members that none of these costs ought to be, or would be, downloaded to the municipalities. My sense is that they don't have a clue yet about those costs, that there will be tremendous costs to municipalities. You were suggesting, of course, that funding somehow be set aside for municipalities because there will be costs. Could you tell us what you think some of those costs might be, for our benefit?

**Ms. Sanderson:** Certainly. I just finished taking a report forward to our council. I think we're anticipating both capital costs and also operational costs. We don't know yet what impacts this will have, in terms of physical barriers, for our building inspectors and other areas. But definitely both capital and operating costs are foreseen.

**Mr. Marchese:** And that's not going to be cheap, I suspect.

**Ms. Sanderson:** No.

**Mr. Marchese:** So we're going to need money.

**Ms. Sanderson:** We're going to need money.

**The Chair:** Thank you, Mr. Marchese. Mr. Fonseca?

**Mr. Fonseca:** Thank you very much for your presentation and bringing forward something that this bill is pushing for, which is around mandatory standards, bringing teeth to what the previous act did not have.

In regard to the standards development committees, I know you want to sit at the table, as so many others who have presented to us want to sit at that table, because they want to see things move forward and to make sure those standards are of the highest level. Because there is limited space, would you consider AMO being a representative for municipalities at the table?

**Ms. Sanderson:** I know locally we do have a region of Waterloo representative on AMO, but I think I speak for both the cities of Kitchener and Waterloo that we are mid-sized cities that are much smaller than the regional government and have less funding than our regional government. I think we would bring the perspective of a municipality of a population of around—well, Kitchener is 190,000; Waterloo is approximately 96,000. They are differently funded. So, no, I think it would be important to have municipal representation on provincial standards development committees from municipalities of all sizes.

**The Chair:** Thank you, Ms. Sanderson, for your presentation.

We are going to have a one-hour break for lunch. The staff and MPPs can use the Tuscany Room for lunch. Just let the waiter know that you are from the province. We'll be back at 1 o'clock. Thank you again. We'll see you after lunch.

*The committee recessed from 1201 to 1302.*

**The Chair:** Thank you and good afternoon. We will be starting the afternoon session right away.

## MARIANNE PARK

**The Chair:** The first person on the list is Marianne Park. Would you please take your seat. As you get ready, I'll just remind everybody that we have 15 minutes for each presentation. If you spend all the time presenting your case, then there won't be time for questioning. You can do whatever you please.

While we are here, there are two people in the back of the room who are available for anyone who needs assistance. If you need them, just indicate and they will be available for you. There is also translation taking place, and therefore everybody will be able to see what's taking place here, and to see you and your presentation on TV. This day will be shown next Saturday on TV, so be aware of that.

You have 15 minutes; you can start any time.

**Ms. Marianne Park:** Good afternoon, everyone. My name is Marianne Park. I have the distinction of being a woman with a disability. I'm a person with albinism and low vision. I'm medically or legally blind.

My background is such that I've worked in the advocacy field, particularly around the issue of violence against women, for over 18 years. I've been very active in self-advocacy and advocacy on a systemic level around the issue of disability. I also have the pleasure of sitting on the board for Disabled Women's Network, DAWN Ontario. However, today my representations in regard to Bill 118 are my own representation. So, although I am a single voice, please rest assured that I bring the voices of many to this table.

One huge barrier is—and I want to talk specifically, of course, about the bill; that's what we're here for, but just to give you a sampling of some barriers that those of us with disabilities face on a daily basis. I come from Woodstock, which is about 30 miles away from here. In order to get here for 1 o'clock—obviously I do not drive, and don't have access to a vehicle—I had to leave my home at quarter to nine this morning, take a city bus, go on a train, get here at 10 o'clock, take the bus out here and navigate sidewalks, which are not the most clear, all for this 15 minutes. That's how very important it is for me. Because of transportation, which is a huge barrier, particularly for those of us who live in a rural area or small community, I won't be able to get back to my home until 8 o'clock this evening.

That, I think, speaks to how very important I believe this work is that you all are doing, and the work that all of us with disabilities are doing in the advocacy field and talking about the barriers that we face and trying to translate those barriers into understandable bites for dominant culture.

On the whole, I think Bill 118 is a fabulous bill. The 20-year time frame: I would like to see it smaller. Of course I would. But I think that's a realistic time frame, most definitely. I agree most wholeheartedly with the recommendations in the brief that the Ontarians with Disabilities Act Committee has submitted. I know you're all very familiar with that brief, so I won't go into that issue, but there are a few issues that I wanted to specifically highlight.

The bill is quite general, and you know when a bill lacks clarity, when it comes to implementation, that can be very confusing and very troubling. I encourage a bit more clarity in the bill, with specific time frames, specific guidelines and also benchmarks. That's very important, because we cannot foresee what another government may do if there are not specific time frames in this bill once it is passed.

I think it's very important that it look at a cross-disability perspective and look at all types of barriers, particularly attitudinal barriers. Attitudinal barriers are some of the hardest, not necessarily to identify, but to remedy. I can give you an anecdotal example: I've had the pleasure of serving with an organization for the last four years. I still have difficulty with that organization in obtaining large-print material on a consistent basis. Why? Because the individuals whom I'm dealing with, although very kind and always very apologetic about it, have very little understanding about levelling the playing field and how it makes an individual feel to be excluded

in some ways, whether it be intentional or unintentional. So, attitudinal barriers and breaking those barriers down is very, very important.

One omission from the bill is the lack of a monitoring or complaint process, some type of tribunal for when individuals do not comply. That is very troubling. Indeed, we know that for individuals now we have the Ontario Human Rights Commission, but that's a very inadequate forum to resolve issues around equity in regard to disability and in regard to barriers that we face.

I applaud all parties who have endorsed the bill. That is just fabulous to see, that teamwork and that team effort in wanting to make Ontario a better place for all of us and be very inclusive.

You will notice that in the bill there are a lot of places where the expertise of people with disabilities is going to be utilized, and that's a good thing. For many years we have been ignored or not acknowledged or have been tokens in some ways. So it's very good that we're being acknowledged and that our expertise—because in a lot of ways we do know a lot around not only the issue of disability but the issue of barriers and accessibility—be utilized. However, in the text of the document it should contain some type of wording in regard to remuneration, such as per diems and expenses to be covered by individuals with disabilities and the agencies that service them that will be participating in these standards committees. That's very important. Just as it's important, when we're looking at that complaint process, that the tribunals regarding the complaint process be made up of people with disabilities primarily, and people with experience in the issue of disability and the experience of accessibility, not just in the experience of standard-making or the standard in that area.

One thing that is not in the bill but which I would like to see mandated, and that is certainly training: training for all regulated professionals operating here in the province of Ontario, whether that be lawyers, architects, members of the regulated health professions—so the 26 colleges there—social service workers, teachers, any regulated profession. That could indeed assist in levelling the playing field if these individuals, in their training, were mandated to have a strong understanding of the issue of accessibility and the issue of disability, and how those of us with disabilities can be disadvantaged and are indeed disadvantaged.

In fact, in section 1 of the bill, which basically is the purpose of the bill, it outlines and it also outlines the vision statement. In essence, that's what it is: the vision. That's one way in which I think it could be strengthened. Unfortunately, in that purpose, in no place is the systemic discrimination that those of us with disabilities face on a daily basis acknowledged. Ontario, although it's a good place to live, a good place to work and a good place to be a part of, for those of us with disabilities, whether it be from the issue of poverty to the issue of systemic discrimination that we experience, that's a reality, and that reality needs to be acknowledged.

I am very troubled by, in section 6, the words "open to the public," that phrase. An organization could be exempt



if indeed they say, "We're not open to the public." That "open to the public" is a very troubling phrase, so much so in fact that it used to be in the Human Rights Code, and in 1981 that was omitted. I would recommend that section 6 be amended to take out "to the public" phrase because that is a convenient phrase that was utilized years ago to exclude women from clubs, to exclude persons of colour and now could be utilized to exclude and marginalize further those of us with disabilities.

Finally, in addition, section 40, where there is a provision for an exemption, that some organization or group or sector could apply for an exemption to the act, I would recommend that this be deleted completely because you're going to have a flood of people standing up and organizations saying, "We want an exemption," because of the old chestnut that accessibility is too costly. "What are we supposed to do? How can we please everybody?": the same old chestnuts that have been used in other areas. So I would recommend that indeed that section be deleted from the act.

Once again, I want to thank you for this opportunity to make the presentation. I'll answer any questions that you may have. Thank you very much for listening.

1310

**The Chair:** Thank you very much for coming all the way to see us, Ms. Park.

There is about a minute and a half each available. I'll start with Mr. Marchese, please.

**Mr. Marchese:** Thank you, Marianne. You covered a lot of ground, and while you praise the government for its initiative, you, along with many others, have raised issues that I think need to be dealt with. Otherwise, I'm not sure the bill will be as good as it can be.

You talked about a number of issues, including the time frame. I have some disagreement with you on that, and so do many other deputants, but I want to say that in 1998 the Legislature unanimously agreed to establish an Ontarians with Disabilities Act with the goal of creating a barrier-free Ontario "within as short a time as is reasonably possible." Do you really think 20 years is reasonable?

**Ms. Park:** I'm 46 years old. There has been and there still is discrimination faced by those of us with disabilities, but I remember a time when it was even more evident and apparent when we tried to access services and professions and other things. So, yes, as I said, I would love to see it quicker than 20 years. I would love to see that quicker. But the reality is, I know that, whether it be inclusion around disability, inclusion around gender, inclusion around race, things don't happen overnight. I think it would be better to move a bit slower but certainly have benchmarks placed, that there's an expectation that in five years you will be here, and in six years you will be there.

**Mr. Marchese:** All right. Thank you, Marianne.

I want to deal with another point you mentioned about no tribunal, because I think it's an important point, and about the weakness of the current system, where you have to take a complaint to the Ontario Human Rights

Commission. If you don't take it yourself, your point, your problem, your grievance will not be dealt with. We know that it might take anywhere from six months to three years. We also know it takes a strong person to be able to take an issue through the whole process. That's a lot of grief for an individual to deal with. This bill doesn't deal with that either. You can go to a tribunal where a company "fails to comply," but it doesn't allow you to say, "This matter isn't being dealt with." That's where your point about needing a tribunal for people like you to be able to go to is, I think, important. I agree with you.

**Ms. Wynne:** Thank you, Marianne, for coming. The points that you raised around just getting here this morning really highlight the inconsistencies around the province too in terms of the ability of people to get around. I appreciate that.

I also appreciate your acceptance of the realities of implementing these changes. You understand, I know, that 20 years is the outside time frame, that there will be changes as we go along, as the standards development committees are set up. So I appreciate your approach.

I have a question about your concern with section 6. We've certainly heard the concern about exemptions—I think it's section 40(1)(r)—and other delegations have raised that issue. But can you just clarify the issue of "to the public"? As I read section 6, "an accessibility standard may apply only to a person or organization that (a) provides goods, services or facilities to the public," and that phrase is used in various places. My understanding of that is that it would mean it's not applicable to private homes or private endeavours. Could you just elaborate your concern?

**Ms. Park:** My concern is that a club, for example, is not accessible and is not inclusive and has its policies, right? Say I apply to go to that club or to become a member of that club and I'm denied and they openly admit to me I'm denied because of their able-ist beliefs. I may complain, but they'll say, "You see, you have no grounds for your complaint because we're a private club. We're not open to the public."

**Ms. Wynne:** So where there are membership issues, you're suggesting there are concerns.

**Ms. Park:** Yes, most definitely. You folks have probably seen the brief from the Advocacy Resource Centre for the Handicapped, ARCH. They also highlight that whole issue as well.

**Ms. Wynne:** Just quickly, do you know if DAWN is going to present a brief?

**Ms. Park:** No, I do not know.

**The Chair:** Thank you again for coming, and have a nice day.

ST. THOMAS ACCESS  
AND AWARENESS COMMITTEE

**The Chair:** The next presentation is from Mr. Stan Taylor of the St. Thomas Access and Awareness Committee. Good afternoon.

**Mr. Stan Taylor:** Good afternoon, Mr. Chairman, honourable members of the committee, special guests, fellow presenters, ladies and gentlemen.

I am visually impaired, legally blind. I'm here representing the St. Thomas Access and Awareness Committee, which was established in the 1990s with a grant from the Thames Valley District Health Council. We are known as the thumbs-up committee because, be it a private business or a public building, if they meet our criteria, we put a thumbs-up decal on the door or window so the disabled know that they can shop in safety. I'm also proud to say that our committee is 90%-plus made up of the disabled community, and we get things done.

I've just finished two very frustrating years on the St. Thomas municipal ODA committee. I quickly realized the games that were going on there: a one-hour limit, rescheduling, cancellations, late starts, "We don't have a quorum, so we'll have an information meeting," "It's built to code," and, of course, the old phrase, "We have no money."

I would like to chat with you on three topics this afternoon: public transit, almost invisible, and crossroads.

There's good news and bad news about public transit in St. Thomas. The good news is that thanks to the gas tax, we were able to offer free rides to everyone on New Year's Eve, and they were able to buy a new 19-passenger bus. The bad news is that the decision-makers and planners in St. Thomas do not ride the buses.

We need a transportation committee enshrined in Bill 118.

St. Thomas Transit operates on the loop system: Wherever you get on, you have to complete the loop before you get off, which means that a 15-minute trip to our seniors' centre takes two buses and 40 minutes, and half the time I'm going the wrong way. It operates on a 7 to 7 timetable weekdays, with no Sunday or holiday service. But the planners say, "You know, those buses cost money."

Ladies and gentlemen, I did my own survey for the past couple of months, and when I ride the bus or paratransit in St. Thomas, I spend about \$50, on average, when I go to the drugstore, the grocery store, or that fresh, homemade candy store. We are the best customers that a city like St. Thomas or other community has as bus passengers, because we cannot go shopping out of town.

I'd like to say one word about our paratransit service: wonderful. They too, though, are restricted to a 7 to 7 schedule weekdays, and they cannot take scooters. I hope you've been noticing the ads for scooters that have been sprouting up over the holidays. Come spring and summer, scooters are going to plague our roads and sidewalks. Retrofitting paratransit vehicles to accommodate scooters is paramount.

Yes, we need a transportation committee with teeth.

Under the public transportation companies section of the current ODA, the committee agreed with me that taxis meet those qualifications. The fares are set by the city, the taxis are licensed by the city, and they do take the public. In St. Thomas, when the buses stop, you have

to call a cab. We have two companies operating in St. Thomas, but we have no accessible taxicabs. London, England, has accessible taxicabs that will take wheelchairs. Why not London, Ontario, or elsewhere?

**1320**

**Topic 2, Almost invisible:** At times, I think we get the idea that society doesn't know we exist. I don't know how many of you in your evening paper last night had a three- or four-page flyer about coming to Niagara Falls. I think there was one for \$99 for two people for two days with meals included—a wonderful opportunity. More than 20 ads in that flyer; not one said, "Come with us. Bring your wheelchair. We're accessible." When was the last time you saw a television ad with somebody getting a Big Mac from McDonald's using a scooter? Yes, the drive-in is open late—if you have a car. We are almost invisible in winter. Many of us, of course, use canes and scooters. For others on wheelchairs or scooters, they're their legs. It's not easy or safe on ice or snow. Without friends and neighbours, we are often shut in or shut out.

To break down some of these barriers, we don't only need laws; we need society to change their priorities, perceptions and attitudes. I think we are at a crossroads. No doubt, Bill 118 will be well-written and well-meaning, but we have to get the words off the paper.

If I could ask each of you on this committee a question, it would be: When you go home, is your riding office accessible? Is the washroom accessible? Before the ink dries on Bill 118, I ask you to ride your buses, ride your paratransit, talk to the drivers and passengers. That's how I found out that at least six medical and doctor offices in St. Thomas are not accessible.

At this point in my presentation, ladies and gentlemen, I must tell you that I didn't quite have the ending that I wanted. I thought, "I must go back and redo that ending." I've always been frustrated, in my two years in St. Thomas, about why we couldn't get things done and why we weren't getting answers and why it seemed to be game after game after game. I think the reason, ladies and gentlemen, is communication: I don't think the people at city hall in St. Thomas knew what we were talking about. So I think, as well as Bill 118, we must have pamphlets, papers, news stories, articles, magazines. We must get home the point on accessibility. How long did it take before people buckled up their seat belts in their cars? How long did it take before the "don't drink and drive" news and slogans started to hit home?

I think 20 years is—I would agree; I'd like it to be faster, but I think it's a reasonable time. But unless we lay the groundwork—I watched President Bush last night. At the end, someone said, "You know, if he doesn't get over 50% rating in the polls, he can't do any of those things." If we don't get 60% to 70% of the people in Ontario to say, "Yes, we think accessibility is a reasonable thing; we should do that," we're not going very far either.

I'm certain that the disabled will rally around Bill 118, and if we work together, we can build a better tomorrow, a more accessible tomorrow, by putting down a solid foundation today.



**The Chair:** Thank you, Mr. Taylor. There is a minute and a half each for questioning. I'll start with the Liberals.

**Mr. Leal:** Thank you, Mr. Taylor, for your presentation. As a former municipal councillor, I take great interest in municipal transit across the province of Ontario. My question to you, sir, is: Do you think through this process we should set up a standard for municipal transportation right across the province, have it one standard so that, whether you're in Cochrane or Kenora or Peterborough or Petrolia, there's a standard across the province to improve accessibility and have it uniform?

**Mr. Taylor:** I'm not sure I really get the point of that question.

**Mr. Leal:** A uniform standard for municipal transportation.

**Mr. Taylor:** Yes. I was riding the TTC in Toronto when I was seven and eight years old. I got to know that if you went west and you wanted to go east, you crossed the street and went the other way; the same with north and south. In St. Thomas, we have a very, very confusing system. Yes, we need uniform standards. One point I neglected to mention was, does accessibility only have to do with the vehicle, with the bus? Because St. Thomas Transit doesn't stop at the library; it stops a block away. It stops more than 100 feet from the hospital. At one of our shopping centres, you must walk through a parking lot across more than a football field to get to the big stores. So do accessibility standards have anything to do with accessibility when you get off the bus to where you're going?

**Mr. Leal:** My point about standardization has always been that you can work with the manufacturers of buses in Ontario and, by developing a standard, you can effectively drive down the cost to acquire that bus and, therefore, allow municipalities to acquire larger vehicle fleets to serve the disabled and other people within the community.

**Mr. Taylor:** I didn't mention it, but the new St. Thomas bus takes scooters, but it's only one of four buses and you must transfer. So what good is one bus that can take scooters, if you transfer? Where do you go then? You can't get on the next bus.

**Mr. Jackson:** Stan, thank you for your very clear and precise report and your suggestions. Let me just say at the outset that I'm disappointed to hear that the mayor and council in St. Thomas don't seem to be as enlightened as most of the municipalities in this province that have embraced their access advisory committees and are working with them very positively. I'm distressed to hear that.

I was checking with the Ministry of Citizenship about the filing of access plans. My understanding is that in the first year of the legislation, they had about 89% of municipalities reporting and that this year, they're down to 43%. It's just mind-boggling that we have a law and that municipalities are out there flagrantly disobeying the law. In your case, it's worse. They're pretending to have one and they're frustrating you.

My question to you is this: Do you not feel that this legislation should retain one or two of the provisions of the ODA that say that if a municipality doesn't file its application, there's a \$50,000 fine, and second, that the regulations have to be in place, as they had to be under the old bill, within five years? We're in the third and a half, almost fourth, year of the ODA, as you well know, and we still have no regulations for your committee. Should that not be put into the legislation, that the regulations that bind municipalities to their conduct with their access committees must be in place by December 31 of this year, for example?

My understanding is that the committees were struck at the Ontario accessibility council to set the regulations. That work was all suspended at the end of the election. We've been waiting 17 months for that. Perhaps we should put that in the legislation so you finally get those regulations that force your municipality to allow your committee to do its work.

**Mr. Taylor:** Absolutely. I think there should be a three-person authority here. The ministry should be the authority. The minutes of the access and awareness committee should go to the ministry and be monitored. They should be returned in quick order before the next committee meeting and there should be three structures: the ministry, the access and awareness committee of the municipality concerned, and then city hall. So if you can't work with them, you can work around them.

I'll just mention quickly that I was supposed to head a committee to review our disability report before it went in. I stopped it at page 16 when it reached my printer and I saw it was going to go to 32. I called the gentleman at city hall and said, "No, we haven't done much this year. A 12-page report. We don't have to tell the government what a definition is or what barriers are. We don't need any poetry in this. Shorten it." He sent it in regardless.

**Mr. Marchese:** Stan, just one question. You know that they're setting up, through this bill, various standards development committees. One of the problems I have and that some other deputants have is that there are no standards presented, i.e. no guidelines that are given to those standards development committees. Do you think the province should set up the guidelines before they go off and do their work, or do you think that each standards development committee should do their own?

**Mr. Taylor:** I think anything that the province can do to speed up the process would be welcomed. If we had standards or guides to go by, we might disagree with some of them, but yes, I think that would be a great idea.

**The Chair:** Thank you very much, sir, for your presentation.

1330

MULTIPLE SCLEROSIS  
SOCIETY OF CANADA,  
LONDON MIDDLESEX CHAPTER

**The Chair:** We'll move on to the next one, from the Multiple Sclerosis Society of Canada. Bonnie Maas,

please come forward. There are 15 minutes in total for your presentation and potential questions.

Also, if I can remind all the speakers to please moderate your pace so that all the people in attendance are able to understand and appreciate the representations equally. There are also two people at the back who can assist anyone who needs assistance. If you do need it, keep that in mind.

**Ms. Bonnie Maas:** Good afternoon. My name is Bonnie Maas, and I'm the social action director of the London Middlesex chapter of the Multiple Sclerosis Society of Canada. I am also the chair of the facilities subcommittee of the municipal accessibility advisory committee. I was diagnosed with MS in June 1997 and continued to work with workplace accommodations as a nurse case manager until August 2003. I would like to share with you the viewpoint of persons with MS concerning Bill 118.

We support Bill 118. I am very pleased to have an opportunity to participate in these hearings on behalf of persons with MS. I would like to thank the minister, the standing committee and Mr. Khalil Ramal for including London as one of the venues for the hearings.

When the Ontarians with Disabilities Act, 2001, was brought forward, members of the MS society pushed for its adoption. We acknowledged at the time that it was less than what we wanted, but at least it was a starting point. It would be a guide in protecting the interests and concerns of people with different disabilities, including people with MS.

*Interjection.*

**The Chair:** There is a little competition in the room. I can hear you very well. I guess some people are having difficulty, so if you can go closer. Don't worry.

**Ms. Maas:** This is the first time in my life somebody said my voice didn't carry, and I have people back there who can support it.

The McGuinty government has demonstrated unwavering commitment to making Ontario barrier-free since taking office. Minister Bountrogianni has shown her passion in this endeavour, as has her staff, many times over, in moving this legislation forward.

We also want to acknowledge the contributions made by ministers and MPPs of the previous Conservative government, the then Liberal opposition caucus, the NDP caucus and the work of literally thousands of activists, including the ODA committee led by David Lepofsky, in getting us to this point today.

This legislation is very important to us. It will enable persons with disabilities to fully participate, and rightfully so, in the same opportunities and activities that able-bodied persons enjoy as a regular activity of daily living. It will permit disabled and able-bodied persons to be on an equal playing field, both figuratively and literally. The ability for the disabled to achieve full economic, political and social citizenship is the ultimate objective.

Whether or not the above objective is being met is a very important assessment tool. It will measure the

effectiveness of the draft legislation. It will also be a tool of validity when considering ways to improve the legislation. Given the many barriers and obstacles that presently exist to full and equal participation by disabled persons in Ontario, this is going to be a challenging task.

This brief does not summarize Bill 118, nor does it provide a legal analysis. Such analysis is important, but it is also better handled by others. We want to highlight a different perspective. The essential concern to our members is very simple: Are the changes going to improve their lives by enabling their full participation as citizens? Our main concern is with the final outcomes. We do acknowledge that the road travelled to get there is equally important.

We must remain cognizant that we are at the beginning of a very complex, multi-year process in developing and implementing accessibility standards. Many challenges lie ahead, but there is no challenge that can't be conquered with persistence and dedication. We urge the members of the committee to adopt this perspective. If the actions that are proposed to you enhance equality for all persons by improving accessibility, then we are moving in the right direction.

Our brief is focused on what people with MS want from the legislation and expect the Ontario government to do. From our perspective, the following are the key deliverables.

Accessibility standards that facilitate the activities of daily living: This includes access to public transit, stores, restaurants, doctors' offices, hospitals, treatment clinics, schools, places of worship, shopping centres and the like. This list should not be considered exhaustive. We want to convey the importance of developing and implementing standards that will allow people with MS to fully participate in their communities. The key outcome is standards that will eliminate barriers to accessibility in the places that Ontarians depend on daily.

Disabled persons need to be involved in the development of these standards. Generic standards should be developed first and then applied to the sectors. This ensures consistencies across the sectors and across Ontario. An accessible washroom in a train station should have the same standards applied as an accessible washroom in a restaurant, convention hall or hotel room. If sectors develop their own standards, there is the potential of the transportation sector having different standards from the hospitality sector in relation to accessible washrooms.

Consistency is not only desirable but should be mandatory. For example, disabled persons should not be faced with surprises when travelling, whether it be for business or pleasure. Inconsistency can be very disturbing and stressful. Stress is known to have a potential effect on exacerbations of disease.

Benchmarks and timelines that result in steady progress: Barriers first need to be identified. A plan of action needs to be established, with time lines for implementation and conclusion. This plan then needs to be evaluated as to its success. If the objective of barrier removal has not been realized, then the plan needs to be



revised with a different action plan implemented. To ensure the plan is successful the first time, it's important to include persons with disabilities in the consultation process before action is taken. No one knows better how to remove a barrier than a person who has faced it on a regular basis.

**A tracking process that provides publicly accessible monitoring:** In the process of developing standards, public input, particularly that of the disabled population, needs to be included. The development and implementation of those standards also need to have public input, again including the disabled community. In our view, this is a critical requirement to maintain accountability and public confidence.

**An enforcement process:** This will ensure that those required to remove barriers do so. Penalties need to be specific and clearly defined. They also need to be enforced consistently, regardless of the sector or the size of the business.

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**A simple and user-friendly complaints process:** This will enable a member of the public to raise concerns about the implementation or enforcement of the act. This should be kept as simple as possible. For example, unless a business is able to prove undue hardship, they are given a particular time frame to become compliant. Otherwise, a hefty fine should be laid. An appeals tribunal would be far too time-consuming and onerous.

**Specific recommendations:** Based on these considerations, we have a number of specific recommendations we believe are important at this point to provide clarity, ensure continued forward momentum and achieve key objectives. They are as follows.

**Section 1: "Purpose."** We recommend that the purpose of the act be broadened and amended to read as follows:

"The purpose of this act is to remedy the exclusion and discrimination that persons with disabilities have experienced and continue to experience, and to benefit all Ontarians by enabling them to participate fully in a barrier-free society by"—and then continue on with 1(a) and 1(b). So this would just be something that would be added to the beginning of section 1.

**Section 2: defining accessibility.** Accessibility is a fundamental concept of the act. As currently drafted, the bill reserves to cabinet the right to define it by regulation. We believe that the work of the standards development committees will be simplified and improved if they work from the outset with a common definition. Therefore, we recommend that a definition of accessibility be added to section 2 of the bill, and that the reference to accessibility in "Regulations," clause 40(1)(q), be deleted.

**To the public, section 6.** Subsection 6(3) defines the potential reach for the application of an accessibility standard. In several places, it limits applicability of standards to circumstances where services etc. are offered to the public. Standards can cover companies and organizations involved in the design and manufacture of products for sale to the public. It shouldn't only apply to the companies that sell products to the public. This is

critical to ensure that the new construction of commercial and residential properties developed for resale to the public, including new residential homes and condominiums, are accessible.

**Section 9: three-year stages.** We recognize that the development and application of the accessibility standards will be a complex process. We are concerned that the bill may be overly generous in its time allotments. Paragraph 9(4)1 outlines a fixed "target date for the implementation of the measures, policies, practices and requirements that the committee identifies for implementation at the first stage, and the target date shall be no more than five years after the day the committee was established." We recommend that this be changed to three years.

**Paragraph 9(4)2:** "The standards development committee shall fix successive target dates for the implementation of the measures, policies, practices and requirements that the committee identifies for implementation at each of the following stages, and each target date shall be no more than five years after the previous target date." We recommend that this again be changed to three years.

**Subsection 9(7):** "Within five years after an accessibility standard is adopted by regulation or at such earlier time as the minister may specify, the standards development committee responsible for the industry, sector of the economy or class of persons or organizations to which the standard applies shall...." This is recommended to recur within three years after the adoption of accessibility standard.

**Section 16: compliance.** Under section 16, "A director may review an accessibility report filed under section 14 to determine whether it complies with the regulations and whether the person or organization who submitted the report has complied with all applicable accessibility standards."

We spoke earlier about the need for a tracking process. We call attention to this section because it highlights the need for some sort of regular review to enable evaluation of compliance. We urge the minister and her officials to build such a monitoring function into the legislation so that short-term, mid-term and long-term goals and the associated time frames are established. We would also request consideration that the term "may review" be changed to "will review."

**Section 18: "Inspectors."** Subsection 18 (1): "The minister may appoint inspectors for the purposes of this act." We request the minister to consider changing the words "may appoint" to "will appoint" inspectors. This ensures that inspectors are appointed at the appropriate time to ensure effective and timely compliance with accessibility standards.

Change is always a challenge and often results in fear of the unknown. That which is familiar is comfortable, but comfortable is not going to make Ontario barrier-free. We, as persons with disabilities, are ready to take hold of those challenges and wrestle with them as necessary until the challenges are defeated. We look forward to the

opportunity to be an active member and working with the government in creating a barrier-free Ontario.

Bill 118 creates historic change to the way Ontarians will do business, but more importantly, the way Ontarians will be able to fully participate in a life that those who are able-bodied take for granted on a daily basis. Although businesses will have initial revenue outlay, that revenue will be recouped several times over when the disabled can also access their services.

**The Chair:** Thank you.

**Ms. Maas:** We recommend these additional changes to Bill 118. Thank you for your consideration.

**The Chair:** Thank you very much for your presentation. I'm sure we all have heard your suggestions. Is there something in writing that you have left with us?

**Ms. Maas:** Yes.

**The Chair:** Thank you. We'll also accept those.

#### LORIN MacDONALD

**The Chair:** We'll move to the next presentation, from Lorin MacDonald. You can start any time you're ready. You have 15 minutes

**Ms. Lorin MacDonald:** Thank you and good afternoon, Mr. Chair and members of the committee. I want to start off by complimenting you because I imagine you haven't gotten a whole lot of compliments and you certainly are worthy of them. The public hearings are a very gruelling schedule, and I commend your commitment to doing this, because it's tough to cover so many cities in such a short time.

There are three things I want to commend you on. The first thing is that the temperature in this room is so much more conducive to a meeting than it was in Toronto, where it was quite warm when I was there on Tuesday. So this is much nicer. All parties, thank you for voting on the second reading of this bill. Also, you've given ample notice to the stakeholders, both to give thoughtful consideration to the proposed bill, as well as to provide insightful feedback, both negative and positive, which you can only benefit from. Previous governments haven't allowed us that opportunity, and I think your government will see that it does definitely benefit you. Also, access to the public hearings for people with disabilities is to be commended. For myself, the real-time captioning was just tremendously helpful. As well, you have the sign language interpretation. So I appreciate that very much.

Who am I? I'm a law student at the University of Western Ontario. I'm also involved with various disability organizations, but I'm here today as an individual, as a person living with a disability in Ontario. That's what I want to cover.

I'm sure many of you are aware that in December 2004 the federal Office for Disability Issues released a report called *Advancing the Inclusion of Persons with Disabilities 2004*. I'm sure that many of you are aware of this, and I encourage you to review that report. I'm sure you will be just as stunned by the numbers as I was. I won't go into that, because I know you have those

resources available to you. I find it quite shocking in a country as rich in resources as ours, and certainly in a province like Ontario those numbers are rather inexcusable.

I endorse the ODA Committee brief that was submitted to the standing committee on January 26. The ODA Committee brief had a lot of fine points in it, so there's no point for me to reiterate any of what was said.

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My focus today, indeed my passion, is access to education for people with disabilities. As I mentioned, I was present on Tuesday at Queen's Park for the standing committee hearing. We appeared right after the presentation by the Toronto District School Board, and I sat there and was quite dismayed by the attitude: "It's going to take millions of dollars and the next 300 years to be accessible." Accessibility is not just for physical access. I think that point gets grabbed on to by so many organizations and businesses: "We have to build ramps; we have to build elevators; we have to be physically accessible." True, that's a very important point, but there are so many other things that can be done to improve accessibility that do not cost a lot of money and can be implemented right away.

For example, barriers in the school system can readily be addressed without requiring millions of dollars, and standards can address issues that do not cost much, if anything, to fix. For example, computers: We all admit that computers are certainly the way of the future, that technology is where it's going to be. So why not require that all future computers and software used in schools and the Web sites of all educational institutions be accessible to those who are blind, those who are deaf, those who have learning disabilities? That doesn't cost a lot. If you built that in when you first purchased such things, that's a very easy way to address some issues quickly.

I was also involved in the public hearings of the Rae review and I advise you to consider the work they have done. I know they met with disability organizations and stakeholders to learn what could be done for people with disabilities in terms of education. So don't reinvent the wheel. Take advantage of the resources your own government has already done. I believe the Rae review will be publishing a report very shortly, so that's a tremendous resource for you.

I heard a lot during the Rae review about how we have to bring our education up to global standards so that we can be competitive in the global marketplace. That's all well and good, but why not allow people with disabilities also to be competitive in a global marketplace? I think we get forgotten.

In terms of my education, I went to school for the first time in the 1980s. I've now gone back to school. So I've had the advantage of seeing how access has improved and how it's worsened over 20 years. In some ways it has improved, but in some ways, more detrimentally, it has worsened.

For example, I am now going to be saddled with OSAP debt, which I didn't have before under the old



vocational rehabilitation system, which was tremendous. Twenty years ago there was lots of money, but no access. Now I suggest there might be a little more access, but there certainly isn't any more money. When I was going back to school, I had to figure out, "How do I work OSAP?" Suddenly there was no more funding that was individualized to the student. The universities and colleges were given the money that was doled out, and that's not a good thing—it really isn't. I found myself being eligible for a bursary for students with disabilities, but, gee, you don't have any money to live on. What good is that? For my disability, the bursary for students with disabilities doesn't begin to cover what my access needs are. I have to go with my hand out to private individuals and request funding, and I don't like to do that.

I suggest to you, what is the cost to this government if you do not provide access to students with disabilities? Where do the people with disabilities land when they can't get jobs, when they are underemployed, when they are told they need more education but the education is not accessible to them? They land on your doorstep, on ODSP's doorstep, on Ontario Works, and how can that benefit this province? It can't.

I find also in the education institutions that attitudes really haven't improved a whole lot over 20 years, and that's very disappointing. There's a very paternalistic attitude that pervades the education system: "We will do what we feel is right for you. Deaf people need this. Blind people need this. If you're in a wheelchair, you need that."

I sit before you as a deaf person. I don't look like a deaf person, so I've been told. If anybody would tell me what a deaf person looks like, I'd be happy to buy the costume. The point is that disabilities operate on a continuum. What one person who is blind might need, the next person who is blind may need something different. What I need as a deaf person is very different than my colleague Gary Malkowski might need. We're still deaf, we just have different needs, and unfortunately those needs aren't addressed in the universities and colleges. If you don't fit the peg they've got for you, they'll keep hammering you until you do.

I think this province prides itself on individuals who have a tremendous diversity. It can only benefit this province. So those are things I wanted to mention.

I encourage all the parties to vote for the bill on third reading, following the necessary amendments you may have heard during the course of your public hearings. I believe it was said by David Lepofsky—I'm not certain of this—that this is a legacy bill, and I truly believe that. It's a legacy for this government. It's a legacy for the people who have fought long and hard to make a strong and effective ODA for this province. It's a legacy for the people who are still fighting.

What a tremendous thing it would be if people could come to Ontario and be able to go to any school they want without fear of not getting what they need. I didn't have that luxury. I wanted to go to York University for

its law school—I shouldn't say this in London—because York is fully accessible for students who have hearing loss. They are well experienced in it. However, as a student, I can't live in Toronto, I can't afford to live there with what OSAP provides, so I've remained in London. It's a fabulous city, a tremendous city, but I'm not getting the full accommodation I need in London at law school.

I shouldn't have to make those kinds of hard choices. I should be able to get the education I want anywhere I want. I will become a lawyer in spite of the government and I will do the best I can. I'm hoping that I'm at least paving the way for students who come after me so that they have that freedom to go wherever they want, because that's what being an Ontarian is all about, isn't it?

**The Chair:** Ms. MacDonald, you have used up all your 15 minutes so there is no time for questioning, but thanks very much for your—there is 30 seconds if there is someone who wants to pose a question. Mr. Jackson should be the first one.

**Mr. Jackson:** I'm going to request that the committee get a copy of the report from the Rae commission and any kind of detail, or in fact ask Mr. Rae to come and speak to us briefly.

**The Chair:** OK, that's fair. Mr. Parsons, a quick one, please.

**Mr. Parsons:** An extremely good presentation. I understand things better when I get exact, specific examples. I'm wondering if at some time you could send this committee—you have an invisible disability. That's one of your challenges. Could you give us some details of the barriers you've faced, actual items, in post-secondary education? I would find that very useful.

**Mr. Marchese:** Lorin, I think there is a serious weakness in the bill and the weakness has been pointed out by ARCH. They say: "Bill 118 does not expressly provide a means to effectively monitor the success of its implementation, nor does it require the minister to publish an annual report on the progress of standard development.... There is no mandatory evaluation process that will assess whether barrier removal has been successful. There is no explicit provision for the maintenance of a publicly accessible database that could be compiled from the reports filed under the AODA." Don't you think this is a serious weakness of the bill?

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**Ms. MacDonald:** I think that any weaknesses that are identified are probably in the ODA Committee brief. I'm sorry I haven't had a chance to review it fully. I just had a moot court last week in law school, so I've been really stretched, but I wanted to be present before you today. I'm hoping that the Rae review will address a lot of those issues in terms of education. Now, as far as Bill 118, I think the ODA Committee has probably addressed some of those. Certainly, my colleagues around the province can do a better job than I. So forgive me for not having more to say.

**The Chair:** Thank you again for your presentation.

## COMMUNITY LIVING ESSEX COUNTY

**The Chair:** We'll move on to the next presentation, Community Living Essex County, Ms. Lisa Raffoul. I hope I pronounced that properly.

**Ms. Lisa Raffoul:** You did fine.

**The Chair:** Thank you.

**Ms. Raffoul:** I have some handouts.

**The Chair:** The clerk will get it from you. Just leave them there. Please proceed.

**Ms. Raffoul:** Good afternoon, honourable committee, members, guests and fellow speakers. My name is Lisa Raffoul and I'm a parent of an 11-year-old boy who has multiple disabilities, meaning that he doesn't speak, he doesn't talk, he doesn't walk. He's dependent on his family and those around him for everything that he does.

I've had extensive involvement over the last seven or eight years in community planning committees. I'm in contact with many families and I feel confident that I can speak on behalf of not only my own personal situation but the families that I represent.

Families welcome Bill 118 and they think it's a good bill. We endorse the recommendations made by the ODA Committee and commend David Lepofsky, the chair, for his tireless dedication and leadership in this process. We also agree with some of the recommendations and suggestions by Community Living Ontario.

You will receive a lot of information and specific suggestions over the course of these consultations. What I'd like to do today is appeal to you and let you know what accessibility means to families. It's a situation that a family will encounter that—

**The Chair:** Could you move just slightly away from the microphone, so you can be heard much better? The level is good, but you're just too close.

**Ms. Raffoul:** OK. We come into a situation that is completely unplanned for. It's a situation that will cause phenomenal stress. It impacts each and every family member. Families quickly become overwhelmed, exhausted. They feel a loss of balance. Relationships are in jeopardy. It's a situation that can only be felt if you're in that situation or have experienced something similar.

I often say that families are given a responsibility and yet the rest of the world hasn't been given that same responsibility to share. Whether you leave the hospital with a young infant or leave the doctor's office with your son or daughter with a diagnosis that is confusing, a diagnosis that you know nothing about, you have to go home and you have to live your life. There are lots of supports and services, lots of programs, lots of medical treatments, and they help, but who is there to help us live our typical lives?

There are many things that families who don't have sons or daughters with disabilities take for granted: going to parks; enrolling in swimming lessons; going on vacations; many Ontarians love to go to beaches; going to the mall. If you have a son or daughter who uses a wheelchair and needs to use the washroom, for those of us who have sons or daughters who are not able to go

independently, where do we change our sons or daughters? Family washrooms are one of the biggest things that people mention. Where do we go? Is it dignified to change our son or daughter on the floor?

It's heartbreaking to know that you can go to a playground and two of your children are able to partake and have fun, but your other child sits in a wheelchair because there is nothing for him or her to do.

The Ontarians with Disabilities Act, we hope, will set the foundation. Attitude is the number one barrier that families will say they face. Too often we hear things like, "We can't." "We don't know how to do that." "The money isn't there." "We don't have staff who will support your son or daughter in our program." "We are in the business of education, not social services."

I want to commend the speaker who went before me. I looked over at my mom, who is here with me, and I said, "She's talking about a lot of the things that I want to talk about."

Absolutely, attitude will take a long time. It's something that is not going to happen overnight, but I think it's something that is worth the effort.

One of the things that I also want to talk about with regard to children is the misinterpretation of treatment. Clinical models, specialized treatments and therapies are extremely important, but they're not the basis of our lives. Those kinds of things are necessary sometimes to maintain life, to sustain life, to offer more comfort physically, but they are not our entire lives. Children need to know and families need to know that there's a life beyond treatment. I caution you, when you work with your partners as you develop this act, to be very careful about treatment. Yesterday evening in President Bush's state of the union address, as I was going through my notes to decide what I was going to talk about today, I heard him say in the other room where the TV was playing, "We guarantee that we will offer the utmost medical treatment for citizens with disabilities." Extremely important, yes, but we need a society that is welcoming, that embraces diversity, that says, "We will try. We know it may be difficult but we will do what it takes to make it happen."

There are many specific things I believe that the ODA Committee has offered to you. I think you will find them very helpful.

Let's see if there is anything else that I wanted to say.

Education: We've talked about community awareness and educating our municipalities: Municipalities have been asked to ensure that their communities become more accessible. That's extremely important. We also need to invest in education at the post-secondary level for our future professionals: professionals in health care, professionals who will become our teachers, and believe it or not, health care professionals who are there to support us. I had somebody call me at home, a nurse who was supporting my son at school, and she was concerned because he was laughing too hard. I asked her, "Is there a problem with his laughing?" Because of his physical appearance to her, and knowing that he had some health



concerns, she was so concerned and focused on what could be wrong with him that she was concerned about his laughing. When I asked her, "Is there a medical concern for somebody laughing?" she didn't know how to respond to me. I said, "He's feeling good. He's probably enjoying himself." These are the kinds of things that families face. There's a lot of focus on what's wrong with our children.

I had another example as I was telling you that and it's slipped my mind right now.

I caution you as you work toward this, because you will get input on how important specialized treatment is, and it is important. But I think what's more important is that we use the expertise that we find in our specialized treatment and in our treatment centres and in our medical and health care professionals, that we utilize that expertise and ask them, "How can you support us in enabling our sons and daughters into the community?" We need standards that will lay the foundation for enabling people to participate fully, that will be consistent and accountable and that will be evaluated.

I believe that Ontario will become fully accessible and I commend you on this effort.

1410

**The Chair:** Thank you. We have one minute each, and Mr. Marchese is first.

**Mr. Marchese:** I congratulate all the parents who have children with disabilities because it's a tremendous burden that you have on your own, and it's a wonder how some of you survive it. You do find yourself alone often, I am certain of it. That's when we often call out to government, "Where are you?" because we need you. And when governments say, "We don't have any money," that must be the worst thing. We as a society have to live with that. And the fact that we can't find the extra money to deal with those problems that are personal to you, I think that's what makes society inhuman.

Anyway, I wanted to congratulate you for the work that you do as a parent and say that the points you made about issues of education and attitude have been raised consistently by everyone. So we have to put some money—I think you're saying that too—to educate in order to be able to change people's attitudes toward children and adults with disabilities. If we don't do that, I suspect our attitudes of discrimination to people with disabilities will continue for a long, long time. You're saying to put some money into education, are you not?

**Ms. Raffoul:** Put some money into—I don't think there's a person around us, not a person in this room, probably not too many people—I suppose we'd find a handful of people in our province who don't believe in enabling and including people with disabilities no matter what age. But people often don't know how. Teachers who are trained at the faculties of education are offered information on specific disabilities, sometimes suggestions for behaviour modification, but they're not really educated on how to. There are very practical steps that can be taken that don't cost a lot of money, and that's where I think we need to invest our time.

**Ms. Wynne:** Thank you very much for coming today. That's very helpful, educating in specific ways to include, because I think that's a really important point. Last week at a round table in my riding, somebody raised the issue of not spending a lot of resources on educating to the exclusion of making the changes and getting the standards implemented. One of the things I'm struggling with is how we're going to, as a society—and this is for all of us—balance those. Because we can do that education piece, and I heard you say that the post-secondary is an important place to do that, but I also think that, as with the smoking bylaws—somebody raised that this morning—the laws and the actual practice is part of what educates. So in terms of those attitudinal barriers, have you got a comment on how we balance those things? Or do we just do as much as we can in parallel ways?

**Ms. Raffoul:** In my thoughts I've struggled with that as well. What comes first: the law or the attitude change? I think we're on our way just through this very process. We're talking about it. I think we will begin to develop community awareness campaigns. I think we will start to educate our future professionals. Again, I don't have a clear-cut answer because I don't think the answer is before us, but I think the important thing is that we're starting.

Public awareness campaigns take a lot of effort. We did a public awareness campaign called the Ring of Friendship. It was designed to highlight the benefits of friendship and inclusion for all students. Out of a possibility of 100 schools in our community, Windsor-Essex county, three schools participated. However, the highlight was that our local shopping mall, where probably everybody in the community goes at least once a week, offered to display the magnificent artwork of the children. One of the reasons I really wanted it displayed there was so that the teachers and the principals of the schools who didn't participate could see the work that their students were doing and feel a little bit in their heart, "Why didn't we participate in this?"

**Mr. Arnott:** Thank you very much for your presentation. I want to say, I agree with much of what Mr. Marchese said by way of his introduction. I hope that doesn't unsettle him too much to hear that.

I also want to inform you that Mr. Jackson, my colleague in the Legislature, a couple of days ago moved a motion and asked this committee to allow David Lepofsky to come back to this committee again when the House resumes sitting, before it completes its work on this bill, so that we can have a more detailed presentation from him because of his level of expertise and experience. It's something that we need more than just 15 minutes of, which so far has been the time that's allocated to him. That's hopefully going to be forthcoming if the members of the committee in the majority agree with it, and hopefully that will happen.

I want to pick up on something you said in response to Mr. Marchese, because almost everyone in Ontario knows either a friend or a family member or someone very close to them who has a disability. Yet, we still have

this attitudinal problem, where people don't understand the full capabilities of people who have a disability. Why do you think that is?

**Ms. Raffoul:** I agree with you. You know, there is a difference between integration and inclusion. I can take my son for a walk, and he's in the community, but he's not really interacting. I think we need to be cognizant of that. There is a responsibility, I believe, on the part of parents and family members to reach out. Oftentimes, that's very difficult, because as much as you fear our son or daughter, we fear the rejection.

And we don't necessarily know how. I have a story. My son goes to regular school. He's included in the classroom, but on the weekend, when all the kids on the street—and there are many kids between the ages of seven and 10 on our street—are all playing a game of tag or hide-and-seek on the block, my son is sitting in his wheelchair next to me while I water the flowers. Something's wrong with that. And then I have to think, what am I doing wrong? Am I not reaching out?

I don't know why we haven't embraced it better. I do feel there is a responsibility on the family's part. I think that the community also doesn't know what to say, oftentimes. When my son was very young, neighbours invited us to go to the beach with them. How am I going to go to the beach with a wheelchair? I had to turn down their offer, and by turning down that offer, I missed out and my son missed out on a chance to be involved with his friends on the street.

So it's difficult, and it will take a lot of time, but again, hallelujah when I heard that this was happening, a few years ago when I heard about the ODA and the development of it. It's a start, and I think that we are on our way. I'm hopeful. I think we have to be hopeful and think positively, because working together is what we will do.

Like the speaker before me, I encourage collaboration with your partners. There are provinces out east, I believe, who have developed not necessarily legislation but some models for inclusion, and your resources in your ODA Committee, Community Living Ontario, Canadian Association for Community Living, your families and your fellow government.

I encourage you and I commend you. We are on our way.

**The Chair:** Thanks very much for your presentation.

BONNIE QUESNEL

STEVE BALCOM

**The Chair:** We'll move to the next presentation, which is from Bonnie Quesnel. As you get ready to make your presentation, I just want to remind everyone that there are two people at the back of the room who can be of assistance if anyone needs assistance. Also, I would ask that all of you moderate your pace when you make your presentation, so that all the people in attendance are able to understand and appreciate the presentations

equally. You have 15 minutes in total to talk to us and allow us to ask you some questions. You can start any time you're ready.

1420

**Ms. Bonnie Quesnel:** The gentleman on my left is Steve Balcom and he's here to make sure I just do it right.

Good afternoon. Thank you for this opportunity to discuss Bill 118. We need to talk. As you know, we've been waiting a long time for strong, effective legislation that removes barriers faced by people with disabilities in Ontario. We are eager to see results.

Since multi-tasking is a way of life now, I recommend that during the activation of your new bill other constructive activity can take place simultaneously, based on information your party has already collected. In November 2000, the ODA consultation tour report was a product of the Honourable Steve Peters, consulting people in cities throughout Ontario. Out of the 79 barriers listed at the conclusion of the report, I recommend that you select four or five initiatives and achieve positive, measurable results. I have selected four examples:

(1) Deficiencies in the Ontario building code: The code is within your government's jurisdiction. If you equip yourself with the features of universal design, you can make a remarkable difference in the lives of people with disabilities.

(2) Lack of funding for attendant care: Once again, this is within your government's jurisdiction. Right now, your colleagues in the Ministry of Health are making sweeping changes with speed. You could influence the change process to address the need for attendant care. On the positive side, the provision of attendant care in the home is much less expensive than institutional care. It is a sad state, as reported recently in the *Globe and Mail*, that some young adults are stuck in homes for the aged while they wait for an opportunity to receive support care in the community. If there is a will, there is a way.

(3) Buildings with one or more steps at the front entrance: Can you imagine how much difference this would make in the lives of people with disabilities if this barrier were removed? It would open the door to new businesses, offices and services and move people one big step forward toward achieving their full citizenship rights. However, I understand that in our city, if someone wants to put in a ramp to their building, they have to pay a minimum \$75 fee to the municipality to ensure that the ramp meets the specifications of the building code. I recommend that this fee be waived in the interest of progressive change. If the building owner is footing the bill for a ramp, the government can at least cover the cost of an inspection to meet these specifications.

(4) Last but not least, the Ontario Legislature's public gallery remains largely inaccessible to people using wheelchairs. On this item, you can lead by example. Once again, it is within your power and jurisdiction to correct this embarrassment to the democratic process. Your predecessors wouldn't do it. Now it's your opportunity to show us that you walk the talk.



I believe these changes are ambitious and possible.

Now the other task before you is the refinement and implementation of Bill 118. You plan on creating standards development committees. How many committees will there be? How many people will be on each committee? Will all the committees be in Toronto? I believe it is imperative to clearly establish a date as to when these committees will be ready to run. There seems to be an initial emphasis on long-term goals, but short-term goals are important to us now.

Upon proposal of a standard, there will be a time for public discussion and then possibly, with changes, it will return to the minister. At this point, there should be a specified response time. My concern is with timing. Will positive, measurable results be evident in, say, two years? If every standard took five years to reach its goal, it could take a century to reach the goal of a barrier-free Ontario, and I'm getting too old.

It is good that with every standard established there is a compliance time specified. It would also be good to offer incentives, tax write-offs and simplify processes for businesses or services to comply with the standard.

Then the bill creates an Accessibility Standards Advisory Council—another level, only at this level there is the possibility that its members will be remunerated for their services. This is the first time money is mentioned in the bill. By omission, does this mean the standards development committees will offer their services for free?

We already have the municipal accessibility advisory committees in place and working with the city to make plans and improvements. Right now, this committee can advise, but it is up to the city what they're going to do with this advice. The committee has no authority. If the committee's role was strengthened with some authority, they could be a catalyst for more immediate positive changes in accessibility in our communities.

These are just some of the possibilities for the bill and for the government to do it right. It is important to remember that at the end of the day government has the power to develop and pass regulations that would give the bill strength and effectiveness. Regulations are necessary to have concrete knowledge of what is required, not merely suggested.

Throughout the bill the word "may" is prevalent. Instead, the word "shall" would indicate a firmer resolve for action.

As it says in the last line of the 11 principles for an effective ODA, "It must have real force and effect." With respect to timing, setting long-range goals is fine, but we'll be looking for positive results sooner. During the next two years, and prior to the next election, we will be watching for results. We believe this is possible. The wait is over. Now is the time for action. Opportunity is knocking on your door. What will the answer be?

**The Chair:** Thank you very much. There is about a minute and a half left, so we'll give 30 seconds to each party and we'll start with Mr Ramal.

**Mr. Ramal:** I just want to thank Bonnie for coming today to give us her recommendations. I know, Bonnie,

that you've been very active for God knows how many years. I want to assure you that this bill is going to speak to your needs, and hopefully will meet your needs and everybody's needs in this province because, as the minister has said, and we keep saying it every single time, we cannot afford not to have this bill pass and not to have the disabled community included in building the province of Ontario.

**Mr. Jackson:** Bonnie, it's good to see you again. I've had many years of listening to your concerns. You were very articulate this time. I did want to suggest, however, one minor adjustment. The Legislative Assembly Act and the legislative precinct were covered under the old legislation. You said that this new government can make the change; they can't. The legislative precinct is unique. It's like Vatican City in Rome. Just to tell you this, it's an all-party committee of the Leg Assembly that decides its budget and how to fix the building to make it accessible. What my legislation did was, it forced the Speaker to do an audit of the entire building, to publish a report, to table it with all parties, and then it's up to the three parties to agree to spend the money. So it's not in the government's bill because it's already in the act. It's just a matter of the three parties agreeing that if we need \$1 million or \$500,000 to make Queen's Park fully accessible, we have to have the political will to do it. But the requirement is currently in the act.

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**Mr. Marchese:** Two quick comments, Bonnie, in 30 seconds: One, in second reading debate I was very critical of the bill because I didn't think it was as historic as some people say, including many Liberal members. I did want to hear people, and part of what I'm hearing is that they're recommending a lot of changes. We will be introducing a lot of amendments when we do clause-by-clause, and we hope they'll accept them.

My question to you is on the issue of remuneration. Do you think people who sit on those committees should be paid something? Yes or no?

**Mr. Steve Balcom:** Yes.

**Mr. Marchese:** Thank you.

**The Chair:** Thank you for your presentation.

## SELF-HELP ALLIANCE

**The Chair:** We'll move on to the next one, and it's Mr. Paul Reeve. As Mr. Reeve takes a seat, just a reminder that you have 15 minutes. When you make your presentation, moderate your pace so that all the people in attendance are able to understand and appreciate the presentations equally. Of course, we are discussing Bill 118. We already have received second reading in the House, and before third reading we are listening to Ontarians to hear what they are saying on this bill and try to make the best possible bill. You can start, sir.

**Mr. Paul Reeve:** Thank you. Good afternoon. I appreciate the opportunity to speak to you. I'm here on behalf of the Self-Help Alliance, which is a partnership of four psychiatric consumer organizations in Waterloo

region and Dufferin and Wellington counties. We have about 600 members.

We think the province of Ontario has a long way to go in helping people with mental health challenges to realize their goal of full participation in our society. We are supportive of Bill 118 and commend all the parties for voting for this bill. There are many barriers still to overcome, and we'd like to see Bill 118 strengthened in the following areas.

The first barrier we see is the definition of "disability" itself. Stigma and prejudice are the most significant barriers faced by our members. The definition of disability in the proposed Bill 118 needs to be changed. The proposed definitions of "mental impairment" or "mental disorder" come from a medical model in which people with mental health issues are seen as broken and needing to be fixed. In its present form, this definition serves to perpetuate stigma and becomes a barrier itself. The bill needs to be inclusive and include a definition such as "a loss of mental functions, condition or experience that affects a person's thinking processes, emotional states, perceptions of reality, and judgments that result in altered behaviour." The definition in the bill needs to acknowledge people's social context and personal characteristics. Think of the many people with mental health issues living on the streets of our cities and what it will take to include them.

The second barrier is one of inadequate income. There are long-standing systems barriers that exist and need to be addressed by this bill. To fully participate in society, people must have enough income to adequately meet their needs. People's lives are most affected by their housing and having enough nutritious food to eat. People need sufficient income to experience a quality of life that allows them to participate in their community both socially as well as economically. Many people with mental health issues receive their income through the Ontario disability support program. The current income does not allow many of them to afford decent housing and adequate food, let alone participate actively in their community. There was a period of over 10 years when there was no cost-of-living adjustment to their income. This meant loss of decent housing to many, and a significant deterioration in their quality of life. This poverty adds insult to the injury of their disability. This is a huge barrier to participating in their community and not being further stigmatized as a consequence of having a disability.

Bill 118 needs to address this type of systemic discrimination and put regulations in place to ensure an adequate basic level of income and ensure a cost-of-living increase.

There are circumstances that tie the earlier issue of the definition of disability with income issues. There are a wide range of interventions that can benefit people in their recovery and healing. Supports such as counselling, psychotherapy, attendant care and interventions such as acupuncture have proven to be very beneficial to people with mental health issues. Many of these costly supports

are not covered by medical services and OHIP, and consequently are not available to the many people with mental health issues who rely on the Ontario disability support program for their income.

Bill 118 needs to ensure that effective services are available to all people within the province and that income not be a barrier.

The third barrier is that of unemployment. Unemployment rates among people with significant mental health issues are conservatively estimated at 75%. The barriers that prevent employment relate to stigma and a lack of understanding related to accommodations in the workplace. Some of these accommodations include flexible work schedules, on-the-job supports, and covering the huge medication costs that people couldn't possibly afford through their employment. There are many people willing and able to work who, if they had a job, couldn't afford their medications, and they need that support through ODSP over some other mechanism.

The mandating of workplace accommodations will go far in reducing these unemployment numbers. Bill 118 needs to specifically require all employers to establish barrier-free workplaces and appropriate accommodations where needed.

I have an example related to work. A fellow, John, experienced a severe emotional shutdown and was trying to get back to work after being off for about one year. Both the employer and the union were weary of reinstating him, in spite of written policies that were in place. Here is a person eager to return to work, and many months after having a physician, a psychiatrist and a therapist giving approval for his return, he awaits the employer's approval. He faces a difficult decision as to whether to pursue an appeal through the Ontario Human Rights Commission and risk greater discrimination and barriers from the union and employer. Also, it takes a lot of energy to take on this appeals burden, and a lot of people don't have that kind of emotional energy.

There is a systemic barrier issue working here as well. Fighting Ontario human rights violations have to be done one at a time. There needs to be some mechanism that will transfer individual decisions to a systems level so that people don't have to continue to fight the same issues over and over again. I would hope Bill 118 could accomplish this.

There are other areas where we think Bill 118 could improve.

The need for enforceable accessibility standards: Bill 118 lacks the checks and balances that will ensure that changes take place outside of the sole direction of the political process. People with mental health issues have been promised many positive reforms over the past nearly 20 years. In the 1980s, we had the Graham report; in the early 1990s, Putting People First; in the 1990s, Making It Happen; and, a couple of years ago, the provincial implementation task force. All of this with little result in an improved quality of life for people with mental health problems.

To ensure that the rights of people with disabilities are protected, Bill 118 needs to ensure this process is set up



at arm's length from too great a political influence. As an example, I sit on a municipal accessibility advisory committee. The city claims to be progressive in the area of disabilities accommodation, and they are esteemed in the province as being leaders in this area. They do a lot of good work. One of their statements indicated they embraced employment equity. I was very impressed, and when I asked them what activities they were engaged in, they came up empty. Their response to this was, rather than taking action toward changing employment practices, to drop the wording "employment equity" from their statements. If the process remains completely under the political influence, it is easy to imagine that little will be accomplished and the system will get bogged down in debates over semantics and limitations on accommodation and accessibility requirements. Bill 118 should have the power to force all governments, businesses and services to act. Set a timetable to implement different phases of the bill and set standards that are concrete and enforceable.

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Another need is for accountability. We need a system that will permit Ontarians to assess the effectiveness of the legislation in an open, publicly accountable and transparent process. We need a mechanism in our system that will screen existing and proposed legislation with a view to identifying any barriers prior to implementation. We need some mechanism to review new legislation from the perspective of various disability groups, and Bill 118 should ensure this happens.

I conclude by saying that the province of Ontario signed, along with the other provinces and the federal government, the In Unison accord back in 1998. The vision of that accord reads: "Persons with disabilities participate as full citizens in all aspects of Canadian society. The full participation of persons with disabilities requires the commitment of all segments of society. The realization of the vision will allow adults with disabilities to maximize their independence and enhance their well-being through access to required supports and the elimination of barriers that prevent their full participation."

The province has an opportunity to take an even greater leadership role, and we hope you will act boldly by strengthening the proposed legislation in the ways suggested.

**The Chair:** Thank you, Mr. Reeve. We have three minutes left, and we will start with Mr. Arnott.

**Mr. Arnott:** Thank you very much, Mr. Reeve, for your presentation. I hope that your 600-plus members will be informed of the quality of your presentation, because you've done an excellent job of presenting your views.

You mentioned, of course, that this bill has an implementation timetable of about 20 years. Quite a few of the deputants have made the point that 20 years is way too long, yet you said that there should be a timetable implementing different phases of Bill 118 within a 20-year period. I think that's what the government would suggest is their intention. Do you feel 20 years is too long to wait for the full implementation?

**Mr. Reeve:** I maybe don't understand all the intricacies of it. I'm told it's a relatively realistic timetable, although I think many of our members are quite frustrated by the sound of that number—20 years—especially, as I said, in light of the fact that we've been waiting over 20 years and have been told how many times that things will improve. They haven't.

**Mr. Arnott:** On one hand, we think, "Well, 20 years; that gives everybody lots of time." But then you take your age, add 20 years to it—and I'll be 61 in 20 years, which I find hard to believe; I'll be thinking about retirement—

*Interjections.*

**Mr. Arnott:** That's a long way off.

**Mr. Reeve:** And some are slightly older.

*Interjections.*

**Mr. Marchese:** Mr. Reeve, I want to tell you that on the issue of inadequate income, this bill won't deal with the fact that many of you are suffering with the inadequacy of what is given to you. They might not tell you, but I'm telling you, this bill won't touch that.

The third barrier of unemployment: This bill won't deal with that either. Employment equity tried to deal with that when we introduced it, but this bill won't do it.

The issue of accessibility: To get to the job place might help, but the discrimination that people with mental illness and other disabilities face will continue, sadly.

On the third point, the Human Rights Commission is there. It's better than nothing, but people do face an incredible hurdle to get there and defend themselves against a problem. This bill also has similar problems. There is no advocacy here. There is no advocate who is going to defend you, when you face a problem with someone at an institutional or non-institutional level, to enable you to get what you think is rightfully yours. So there is a weakness in this bill around the whole issue of individuals not having the right to be able to make an appeal when they feel discriminated against. What do you think?

**Mr. Reeve:** I concur completely. We were told we only had 15 minutes, so that's why I put these points in. We will be writing more and sending it in.

I've been told as well that this bill won't address income and it won't address unemployment, yet those are the barriers. Those are huge barriers. Can the provincial legislation address them in a bold fashion, look at that vision and implement it?

**Mr. Fonseca:** Thank you, Mr. Reeve, for your presentation. In many caucus meetings we had when we came to government and were grappling with this \$5.8-billion deficit that was left to us, I can tell you that one of the things that everybody said was that ODSP does have to be increased. We increased it by 3%. It wasn't enough; it's never enough. We need more. It's the direction that we are moving, but after 10 long years there was something done.

I wanted to ask you around the definition for "disability" in terms of what you propose. I know you've said that mental impairment or mental disorder is something

that you feel does not address the mental health aspect of it. Can you share with us what you would propose?

**Mr. Reeve:** I think that many of us have experienced a lot of what some people label as mental illness and others as just mental health problems. There's a huge percentage of people who come to that experience, for instance, from a history of trauma. It's not about a chemical disorder, brain chemistry or whatever. That often isn't recognized, and the majority of people are treated from that medical perspective and not from a broader perspective. Quite frankly, it's not that effective for many people.

**The Chair:** Thank you very much for your presentation. We are within the 15 minutes, more or less. Thanks very much again.

### COMMUNITY LIVING LONDON

**The Chair:** The next presentation is from Community Living London, if someone is here. Thank you, sir. Please have a seat and whenever you're ready, you can start. We have some material that you have given to us already. Thank you.

**Mr. Jim Hewett:** Good afternoon. My name is Jim Hewett, by the way. I'm past president of Community Living London. I'm joined today by Barry Bates and a number of the New Vision Advocates. Barry is a past board member. We appreciate the opportunity to speak to you today.

Community Living London is an organization that has provided services and supports to individuals with intellectual disabilities for over 50 years. Community Living London supports inclusion in all aspects of life. We believe that the right to be fully included in the community, to live, go to school, work, play and be active in retirement belongs to everyone.

We are encouraged by this government's efforts through Bill 118 to strengthen the Accessibility for Ontarians with Disabilities Act and welcome the opportunity to have input in the public meeting process.

The definition of "access" and what is covered under the definition of "services" is critical to addressing the issues uniquely specific to individuals with intellectual disabilities. As an organization that is committed to advocating on behalf of individuals with intellectual disabilities, we believe it is vital that there is an identified process for an appeal. You've already heard that.

We would like to call your attention to some particular barriers to achieving a fully accessible community for persons with intellectual disabilities.

Individuals with intellectual disabilities have cognitive limitations which prevent many of them from being able to independently access their community. There are particular barriers to inclusion and participation that are not immediately visible to the general public, namely, economic, cultural and transportation barriers. We need to address the systemic exclusion and discrimination that persons with disabilities currently and have historically faced in Ontario. The bill needs to focus on attitudinal, communication and financial barriers that currently exist

as walls to inclusion. We urge this government to make a proactive commitment to address all barriers fully.

Transportation is a major barrier to persons with intellectual disabilities. While the council and the commission, especially in the city of London, may support extended specialized services such as paratransit to persons with intellectual disabilities on a humanitarian level, the realities of working within an existing budget will take precedence. Accommodating the needs of persons with intellectual disabilities is not enshrined in law and this population continues to remain vulnerable to changes in practice resulting from budget constraints.

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Additionally, the cost of bus fare is prohibitive for many on fixed incomes of \$958 a month. For example, in the city of London there's been a 51% increase in fares for individuals who have only received a 3% increase in their monthly benefits in the last 11 years. We are currently advocating with the city to subsidize the cost of bus passes for people in receipt of ODSP and, to date, have been unsuccessful. We urge you to consider supporting the municipality by making money available, perhaps a portion of the gas tax rebate, in order that they may find the funds within their budget to provide this subsidy.

Accessibility is broader than physical access. It includes access to opportunities: opportunities to work, to recreate, to freely move about one's community and to interact with others. If people with intellectual disabilities are to fully access the leisure and recreation services provided, additional steps are required to facilitate their participation. In most instances, this will be the provision of additional support staff that will assist the person with a disability to integrate into a regular activity or, in some instances, to co-ordinate special activities for people with disabilities.

The achievement of this goal will require additional dedicated resources, both from the city of London's budget and perhaps the provincial budget. Clearly, these funding issues need to be clarified and resolved if these barriers to inclusion are to be successfully addressed.

Accessible affordable housing: The availability of comfortable—

**The Chair:** I'm sorry. Could I ask you to slow down slightly, please, so people understand?

**Mr. Hewett:** OK. Sorry. The availability of comfortable housing for people with disabilities continues to be a major barrier to full participation in the community. Increasingly, people with disabilities are required to spend more and more of their ODSP disability allowance on shelter, leaving them very little discretionary money for other necessities of life. Additional subsidy would enable many to access existing housing available in the private sector.

Perhaps the greatest challenge facing people with intellectual disabilities, as well as those with mental health disabilities and physical disabilities, is the lack of employment opportunities. People with intellectual disabilities have many skills that they can bring to the labour market. We urge the province to continue to ex-



plore ways to make a variety of employment opportunities available to people with intellectual disabilities.

In long-term care, barriers exist to long-term-care services for people with intellectual disabilities and Alzheimer disease/dementia. We urge the government to include in the terms of reference for the standards development committees the development of strategies and actions for the provision of services through long-term-care facilities.

In closing, there will no doubt in the future be countless visible demonstrations of meeting accessibility guidelines: wider aisles, pathways in parks, accessible playground equipment, free parking signs for the disabled etc. Let's look forward to being able to applaud the invisible measures to address barriers to access: subsidized bus passes for ODSP recipients, increases in ODSP benefits, reduced clawbacks on wages earned by individuals receiving ODSP, accessible affordable housing, more opportunities for employment and funding for staff supports to facilitate the inclusion of individuals with disabilities in our community recreation and leisure programs.

I'd like to turn the microphone now over to Barry. Barry, can you tell us a little bit about how ODSP affects you right now?

**Mr. Barry Bates:** Presently, as a person when I work out in the community, in spite of the fact that I hold down three jobs, I'm still penalized by 75% simply because I work at a job, say, outside of our part. On top of that, when it comes to bus passes, I have to give up one thing or another just to get a bus pass or afford one each month. On top of that, when I go out with friends and that, I either have to give up one night of doing laundry or other things just to go out with them, simply because I can't spread my costs out just to save one night for laundry and another night to go out with them, per se.

I would like to see education stressed about the invisible disabilities that we incur, plus the discrimination that often goes with them.

**The Chair:** Thank you. There is about half a minute each. I'll start with Mr. Marchese.

**Mr. Marchese:** I thank you both. You have raised some issues that were raised by the previous deputant, and they are as critical as the issues that are raised in Bill 118. In fact, they interconnect, and yet they don't, in a way. This bill doesn't deal with the other essential things that you're talking about, which are just as important: the whole issue of income support, housing, employment, and then you include long-term care in there as well in terms of other problems that people with disabilities face. It's a shame that we couldn't have a bill that directly connects to these other issues, that we'll have to appeal to another minister or another ministry to be able to deal with all of these things separately. I find that sad. But they're important, and I thank you for bringing them forth again.

**Mr. Hewett:** To speak on that, our organization has been meeting with both the Ministry of Community and Social Services and the Ministry of Health and Long-Term Care, specifically dealing with Alzheimer's and

dementia. There seem to be silos created within the ministries such that funds cannot be transferred back and forth between these ministries to address the needs. We have addressed it here in the city with one house that we have, but certainly the need is much, much greater than that. When these ministries choose not to speak to each other or not to have funding flow back and forth to meet the needs of the community, we get stuck in the middle.

**Mr. Ramal:** Thank you, Jim. I'm a little bit biased about Community Living London because I worked for them for a while, and I know their needs and how the residents and clients are dealing with facing, especially, physical barriers and attitudinal barriers and so forth. Of course, the bill won't be talking about all your recommendations and your concerns, but it'll talk about a big chunk of them. Hopefully, by implementing this bill, by passing this bill, we'll speak to the majority of your concerns. Thank you very much again for coming.

**Mr. Jackson:** First of all, Barry, thank you for coming today and for presenting your concerns. How have you found getting employment? I know it's not always easy, but for you to have three jobs, you must have some pretty good employers who have accommodated you and made arrangements so that you could work there. Are there problems you have encountered over the years? I'm sure you've had few, but right now you're doing fairly well with these three employers?

**Mr. Bates:** Yes. In fact, I can't say enough about the employers that I work with right now. I thank them a whole lot.

**Mr. Jackson:** Do you want to say who they are?

**Mr. Bates:** They're A&P, a grocery store here in London; they're located in Byron. Another is London Honda. They sell cars and that; all I do is make sure I keep the place clean. And our part: I do Union Gas for them and just make sure the job is done properly, and other sorts of jobs that need to be done.

**Mr. Jackson:** Thank you, Barry. Jim, a quick question: Alzheimer's and dementia is something of a concern to me, having developed the first strategy. Are you trying to provide core services and keep them in a group home setting, as opposed to putting them in a long-term? I just wanted a clarification on that. I'll talk to you later about it, because I am very interested in pursuing it.

**The Chair:** We are out of time; a short answer, please.

**Mr. Hewett:** Yes, we are. We are trying to keep them in the community in a home situation as long as possible, until it becomes necessary to either move into long-term care or palliative care.

**Mr. Jackson:** Now I understand.

**The Chair:** Thank you very much, both of you, for coming. Have a nice day.

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PATRICK MURPHY

**The Chair:** The next presentation is from Patrick Murphy. Is Mr. Murphy here? You have 15 minutes—

**Mr. Patrick Murphy:** Ten minutes?

**The Chair:** Fifteen. You can speak for a total of 15 minutes or leave some time for questioning. It's your choice. You can start any time you or the lady is ready. We already have your material, so thank you.

**Mr. Murphy:** That's a start, anyway. First of all, let me thank you, gentlemen, for coming and holding these hearings. How else can ordinary members of the Legislature gain any insight into what has only relatively recently been "coming out of the closet," so to speak.

*Interjection.*

**Mr. Murphy:** Oh, ladies and gentlemen, yes.

**The Chair:** That's OK.

**Mr. Murphy:** We've got to be all-inclusive, eh?

Well, we have certainly come a long way from as little as two generations ago, when the handicapped were often hidden, largely out of shame, or institutionalized. Today there are gay rights, women's rights and various other rights that currently gain much more press and other media attention and are in vogue. Disability rights somehow have not gained the spotlight except when a Terry Fox or a Rick Hansen or even a Christopher Reeve comes along, and that is only because they have done or are doing something extraordinary. A disability is common, ordinary, not glamorous and not paid attention to, and to my mind people are too caught up in their own difficulties and do not want to be reminded of their own vulnerability and therefore refuse to pay much attention to it. As you know, it would not take very much for any of us to end up blind, deaf, minus a hand or leg, or even in a wheelchair. These disabilities are imposed, and unlike other rights issues, it's not a matter of choice. There may be little choice or there may be a hard choice, but with us, there's no choice. And we need help to adapt to a world that still expects perfection.

This allows me to introduce myself. My name is Patrick Murphy. I'm 54 years old and have been married for over 10 years to my wife, Anne, who is in a wheelchair and lives with a progressive, genetic nerve-muscle disorder called Friedreich's ataxia. In 1971, my life was radically altered in a motor vehicle accident, which left me with double vision, poor fine motor coordination and poor organizational skills, and therefore greatly changed my career outlook. But I managed, and then in 1994 fell in love with and married Anne.

Experience: Through Anne, her family and friends, I learned much about the disabled community. You see, Anne has two siblings in wheelchairs; she had three, but one died. We lived nearly eight years in an apartment building for and occupied by wheelchair-bound individuals.

While in London, I was involved with London's accessibility advisory committee and am now on Stratford's municipal advisory committee. I am a past president of the London and district chapter of Muscular Dystrophy Canada. I was a member of the Brain Injury Association for London and district and now attend their meetings in Stratford, where we currently live. When we lived here in London, I also frequently attended the Cornerstone Clubhouse, a drop-in centre for people with

brain injuries. While here, I was also on the advisory board for two worthwhile organizations aiding people with disabilities. They are: ATN, and that is Accommodation, Training and Networking, and they provide computer access for a wide variety of disabled individuals; and the second advisory board that I served on is Independent Living London, and it serves many handicapped individuals with many programs. I'm proud to say I was recently honoured at having been named to the year 2005 Mayor's New Years Honours List for outstanding contributions to people with disabilities in the city of London.

As you can see, I have some experience with people with disabilities, and I can tell you that it has become very difficult for people with disabilities to retain their self-respect, firstly because many have lost so much, often dramatically in an accident, or while watching their peers increase in strength while they deteriorate; secondly, and far worse, is the insidious negation of personhood of often sick people by healthy bureaucratic penny-pinchers. That is reprehensible. I recognize the need for fiscal responsibility in a tight economy, but there has to be some sort of monies allocated to sensitivity training of front-line workers to empathize and to talk with, and not to, people who receive pension money. It is not only getting the money or service to the individual but also how that person receives it. Or as a friend and fellow board member Steve Balcolm used to say—and the quote is now a favourite of my wife, Anne—"it's not aptitude but attitude." In other words, it's not how smart you deliver the service, but simply how you deal with the people. Give people dignity. The handicapped are put down enough by others in society without being demeaned by government agencies as well.

Another way to give the handicapped dignity is to support their independence by supporting and even expanding the direct funding program. DF also saves the government money by putting that same money in the hands of responsible handicapped individuals who manage that money themselves, thus giving them some sort of control and dignity over their lives.

I'm also concerned with the introduction by the Ontario government of a regional system of local health integration networks. Please listen to the concerns as expressed by the independent living centres, especially with regard to their expressed concerns over the security of self-directed attendant services and the manner in which that service is delivered.

That brings up the first thing that I like about Bill 118: You have shown an openness to involve the handicapped in the composition of standards and development committees. I think you need both a handicapped person and you also need people representing the handicapped on that committee. Please look at all their suggestions; they've got so many, and they're very good.

I agree with the ODA Committee's recommendations. They recognized that Bill 118 commits Ontario to becoming fully accessible to people with disabilities; it sets timelines and goals; it applies both to the public and



private sectors; it asks to make barrier removal and prevention mandatory once those accessibility standards are enacted; Bill 118 requires that accessibility standards be developed; and Bill 118 provides for an effective enforcement mechanism.

I would urge you to word the bill very strongly so that it is not left up to the government of the day to interpret, and the ODA Committee goes into ways in which that can be done. A chain is only as strong as its weakest link.

I'm glad to see that all parties unanimously passed second reading, and I hope that it can be achieved on third and final reading. Thank you for your attention.

**The Chair:** Thank you, Mr. Murphy. We have one minute each, and I'll start with Ms. Wynne.

1510

**Ms. Wynne:** Thank you very much. I just want to ask you, Patrick, about the LHIN process. I have a paper, and the copy I have says it's a confidential draft. It was given to me by one of my constituents, a proposal for the creation of an independent living provincial network. Is that the document you're talking about?

**Mr. Murphy:** No. I believe that the government is—LHIN?

**Ms. Wynne:** Right. I have a backgrounder from the independent living and attendant services on LHIN. So that's what you're talking about?

**Mr. Murphy:** Yes, that's what I'm talking about. We listened to that.

**Ms. Wynne:** It might be a good idea, then, Mr. Chair, if I made this available to the committee, because I don't think everybody has it. So I will do that.

**Mr. Murphy:** Yes, please.

**Ms. Wynne:** OK.

**Mr. Jackson:** Thank you very much, Patrick. You're concerned, as David Lepofsky is, that there should be some way of monitoring this legislation, of reporting on its progress at specific times, not waiting 20 years and at the end of the 20 years we'll look over our shoulders and say, "I think we did a great job."

**Mr. Murphy:** Yes, but also to set up some standards throughout that so it's not just left to the government of the day, where they have to account for what changes they're going to make, not just so that it's open for them to make changes depending on how they feel.

**Mr. Jackson:** Do you also agree with Mr. Lepofsky who has said that it should not only be done by sectors, but should be done by ministries, so that we can see if this ministry, which provides mental health services, is doing its job? Should it be hospitals, to see that this hospital is doing its job, or school boards, and not just sectors out there generally?

**Mr. Murphy:** Right. That's very good.

**Mr. Marchese:** Thank you for coming, Patrick. I just want to agree with you on the whole idea around having a strong advocate. I don't think we're going to get one. I hope people continue to lobby the Liberal members to introduce something that gives you a voice, because this bill doesn't give you a voice. This bill says we're going to develop standards development committees, access-

ibility committees and all that, but there is nothing in the bill that says that where something isn't working or you are an aggrieved person, you have someone who can defend you. There is no strong advocacy built into this bill. I think there should be, and that's what you're saying.

**Mr. Murphy:** That would be good, yes, very much.

**The Chair:** Thank you very much for your presentation.

**Mr. Murphy:** Do I have a few—

**The Chair:** Yes, you can have another minute if you need it.

**Mr. Murphy:** Also, for people on disability, if you intend to include them in the process and on committees, it is important for them to get some sort of remuneration, and also for agencies being represented there, because they often are on such a tight budget that it's very difficult for them to expand.

**The Chair:** That's your suggestion. That's part of your presentation. Comments on this? I still have a little flexibility.

**Mr. Jackson:** Just to share anecdotally with the committee on the issue that's been raised by Patrick Murphy, the first person I recommended to go on to the Ontario Accessibility Advisory Committee was on ODSP. The first thing my bureaucrats said to me was, "Cam, the minute you pay him or her, we have to claw everything back." I was right back to square one again, saying, "How unfair this is." I just wanted to put that on the record because it demonstrates what several people have told us. That's a partial impediment to being able to compensate them to participate, because of the clawback provision.

**Mr. Murphy:** Right.

**Mr. Leal:** A question for Patrick: I want to follow up. You talked about the LHINs and the creation of new LHINs. There's been a public process in Ontario to advertise for people to be directors of the LHINs. You see it as very important that the directors for the various LHINs across Ontario also have representatives from the disabled community because the LHINs, as I understand them, are going to develop and handle a system within an area to provide complete care. Obviously you would agree it's important that that director reflect all of society, including the disabled community.

**Mr. Murphy:** Yes.

**Mr. Ramal:** My question is for Mr. Jackson, because he was a minister of the crown back then when he authored Bill 125. I'm talking about the clawback. Why didn't you change it back then to accommodate the rest of the—

**Mr. Jackson:** Actually, I did. I'm glad you asked the question. I did change it.

**The Chair:** OK, we've had question and answer and I think we both made our points. Thank you very much for your presentation and have a nice day.

**Mr. Jackson:** It's just a double standard. We were helping people.

## LONDON AND DISTRICT LABOUR COUNCIL

**The Chair:** Can we move on to the next presentation? It's from the London and District Labour Council. Is Mr. Wilson here? Please take a seat and start the presentation as quickly as you can. There will be 15 minutes for you to make your presentation. You can start right now, please.

**Mr. Joe Wilson:** My name is Joe Wilson. I am president of the London and District Labour Council, which represents over 30 affiliated unions and approximately 27,000 unionized workers in London and surrounding area. The council maintains active contact with many local community groups and social partners.

Acting under a charter granted by the Canadian Labour Congress and in concert with the Ontario Federation of Labour, the London and District Labour Council includes in its bylaws the following purposes: "To advance the economic and social welfare of workers; to secure legislation which will safeguard and promote .... the rights of workers, and the security and welfare of all people." It is in the spirit of these purposes that I am making this submission. It draws on the Ontario Federation of Labour submission to this committee and is meant to support the rights and welfare of all workers, unionized and non-unionized, and all those who are striving for access to the workplace.

We feel that the introduction of Bill 118 is a progressive, positive and long-overdue recognition of the rights and needs of Ontarians with disabilities. We applaud the government for bringing this legislation forward. We also fully support the recommendation passed at the January 20, 2005, meeting of the OFL executive council that: "The OFL continue to work with the disabilities community to ensure that any legislation positively addresses the accessibility needs of all Ontarians."

Organized labour and indeed all parties responding to the proposed legislation must work in partnership with the pioneering leadership role which has been taken by organizations representing Ontarians with disabilities. However, we agree with the OFL that Bill 118 needs significant amendments if it is to properly carry out its stated purpose.

This submission will briefly address four areas:

(1) The AODA's foundation needs to be a clear and strong recognition of the fundamental rights of Ontarians with disabilities.

(2) Unions need to be formally involved in applicable contexts and applications of the act.

(3) There need to be stricter and more transparent enforcement procedures.

(4) The timelines need to be significantly reduced.

Note that these and similar recommendations are developed in some detail in the OFL submission.

Specific recommendations:

(1) The AODA's foundation needs to be a clear and strong recognition of the fundamental rights of Ontarians

with disabilities. The London and District Labour Council strongly feels that the purpose of the legislation should not be to "benefit all Ontarians" but rather to recognize and enforce the rights of all Ontarians. This position has been affirmed by the OFL and has been developed in detail by ARCH: A Legal Resource Centre for Persons with Disabilities. It is an essential distinction. A benefit would imply something discretionary that might be given to a group of citizens. It leads to terms like "may" in the legislation, introduces vagueness and lack of accountability, and allows for exclusions and lengthy timelines.

**1520**

Organized labour affirms the rights of Ontarians with disabilities to access to the workplace, to specific supports for the return to work for Ontarians with disabilities, and to specific and necessary supports and accommodations for them once in the workplace. The legislation must establish reasonable, but also timely, accountable and enforceable procedures to ensure that the rights of Ontarians with disabilities are affirmed and enforced in the workplace, as in every part of our society. This is an essential amendment for the AODA.

(2) Unions need to be formally involved in workplace contexts and applications of the act. An essential procedure to ensure that the recommended rights purpose of the AODA is achieved is to require every union and employer to bargain accessibility plans. In non-unionized workplaces, employers would be required to produce and post accessibility plans. This proposal is developed in detail in the OFL submission. This bargaining process should begin immediately.

The London and District Labour Council affirms that unions are uniquely placed to have a central role in this process. We are clearly and firmly committed to achieving the workplace rights of all citizens, and this very much includes Ontarians with disabilities. To quote an OFL release on its AODA submission:

"The labour movement in this province has a long involvement of identifying workplace issues and developing remedies often arrived at through negotiations with management. Of particular interest for accessibility issues, the labour movement has extensive experience in dealing with issues of 'return to work' and 'modified work' and developing workplace accommodations which are often needed by returning workers who have been injured in the past. The labour movement also has long experience with the range of human rights issues which impact on members in the workplace."

The OFL release goes on to state that labour should be centrally involved in negotiating and implementing accessibility standards, should be represented on standards development committees and that labour and community representatives on standards development committees should be supported by the legislation in having any necessary expert, and may I add financial, assistance provided.

(3) There need to be stricter and more transparent enforcement procedures. Again, this theme is fully



developed in the OFL submission. Quite simply, if the AODA is a rights bill, as we assert it is and should be, it needs real enforcement. It needs transparency, clarity and demonstrable accountability.

Bill 118 contains troubling generalities and vagueness. As one example, it does not clearly specify who might be the “representatives of persons with disabilities,” and does not require that there be effective representation by persons with disabilities on the committees it would establish. The bill would place final decisions on such significant issues as defining “accessibility” or “services” with the cabinet, rather than detailing them in the legislation, or placing the decisions with a more accessible and transparent body.

The Pay Equity Act of 1987, passed by a previous Liberal government, by the way, is an effective and appropriate model. It is based on rights and demonstrates that transparency, clarity and demonstrable accountability can be built into legislation. It clearly affirms that effective enforcement is necessary and achievable.

(4) The timelines need to be significantly reduced. Ontarians with disabilities have waited for far too long for this legislation. There will indeed be real challenges in implementing this bill, including recommendations like workplace accessibility plans. However, this long wait and these real challenges should not lead to extended timelines such as the suggested January 2025 date. Rights need to be protected immediately. Procedures need to be implemented in a truly timely fashion. Extenuated timelines, especially those which would bridge several governments, can lead to immobilization and mummification of the whole process. They could easily compromise the good intentions of the AODA.

This is one place where organized labour, especially in areas such as the recommended workplace accessibility plans, would be of immense assistance. We are very aware that good intentions and purposes need to be enacted and enforced. We know that though it may be tempting to rely on or hope for the goodwill of all involved parties, this is hopelessly naive. We are sure that the disabilities community has heard quite enough of empty good intentions, and is ready for substantial, real progress. The London and District Labour Council shares this view, and knows that processes like collective bargaining, effective legislation and consistent enforcement are needed. Quite simply, organized labour is committed to sound, progressive change, and we have a lot of experience in accomplishing it.

In conclusion, the London and District Labour Council affirms the basic rights of Ontarians with disabilities. We join with the OFL in supporting the AODA but assert that the AODA should be more than just a promising beginning. The standing committee on social policy should recommend to the McGuinty government the significant amendments needed to make it a true landmark in progressive legislation. Organized labour is ready to use its commitment to social justice and its energy and expertise in collective bargaining and workplace enforcement to help make Ontario truly a place which

embraces and honours the rights, needs and dignity of Ontarians with disabilities.

**The Chair:** Thank you, Mr. Wilson. There is one minute for each party. We'll start with Mr. Jackson.

**Mr. Jackson:** Thank you very much, Mr. Wilson. You're about the fourth group from organized labour, and I appreciate it. Since the first brief, I've been thinking about this concept of bargaining accessibility rights for your—at first, I had difficulty with that, only because if we're going to make it a right in Ontario, why do we need to bargain it? If you could help to clarify for me, essentially I think you are really saying that you want to be able to monitor the duty to accommodate, and then when there is a grievance from an employee who doesn't feel they're being accommodated, either an existing employee who becomes handicapped during the course of their employment or a new hire, that you want to be able to grieve that. Am I getting that correctly? I know I'm bringing it down to a very pedestrian level, but I know the concept has merit, because people have been saying to us, “There's no enforcement mechanism.” Well, organized labour has the instruments to protect their workers; there's no question about that. Help me to understand how to navigate through that to make that into a workable system that we can bring into this bill.

**Mr. Wilson:** I hope it would not have to be triggered by grievances. The committees, if properly established, would bring to the negotiating table identified barriers. The negotiation is not about rights. You're quite right: You can't negotiate rights; they're there. It's a matter of trying to negotiate the process and the response. There would be complexities. It would not be easy in the slightest. But with a mechanism like this, a forum where labour and management can sit down, identify barriers and be aided in that identification by workers and the disabled community and others, and then try to find accommodations—that's not easy, but it certainly can be done. It's been done in many, many workplaces. With the process in place and with the support and goodwill of management and labour, it certainly can be achieved.

**Mr. Marchese:** Thank you, Joe. I want to comment on two things. One is the purpose clause, because like you, I find it very curious that Bountrogianni would talk about, if this bill were to be passed, it would help remove barriers for persons with disabilities. Yet, nowhere in the language of the purpose clause do we find that. You don't hear any of the Liberal members speaking to this—I've never heard them once talk about this yet—but I'm puzzled by it. That language should be included in the purpose clause, and it's not. I'm interested in hearing someone give me an explanation.

Secondly, on the whole issue of unions being able to bargain accessibility plans, I think it would be a wonderful thing, in my view, to include it as yet another way of making sure that these things happen in the workplace, at least where it's unionized. I don't see any trouble with that, and I think this could be accommodated in the legislation. I suggest, Joe, that I'm probably the only one supporting this, and that all the Liberal-minded friends

that labour might have won't speak to it and won't comment on this. I don't think they'll include it, in my sense, but I offer that to you, Joe.

1530

**Mr. Wilson:** Thank you.

**The Chair:** I'll allow Mr. Ramal to answer the questions, I guess.

**Mr. Ramal:** Thank you, Joe. It's good to see you again. I listened to you speak and I read it again to confirm some issues you're talking about. We listened to this concern over and over in many submissions submitted to us from ARCH and the ODA Committee about some technicalities and some wording that went in the bill. Hopefully, it will be addressed in the future and will eliminate your concern and other people's concern.

In general, as my colleague Mr. Marchese said, do you think the bill is talking, overall, about all the people with disabilities, including labour, and why we have to specify certain sections not to be inclusive, and if this bill passed, would answer your concern?

**Mr. Wilson:** I heard many presenters before me talk about how absolutely essential it is to have access to the workplace to have economic independence, and for that to happen, the workplace issues that we're talking about are absolutely critical. If the bill can, for example, recognize the strength of the collective bargaining process, it means that real, enforceable in-the-workplace approaches and accommodations are accomplished. That's where real progress can occur, not just talking about it—"Wouldn't it be nice if?"—the plan, the enforcement, the follow-through. Organized labour feels strongly that this is extremely achievable. It's a matter of will, good legislation and good follow-up and enforcement.

**Mr. Ramal:** You don't think accessibility should be accessibility anywhere and everywhere?

**Mr. Wilson:** Very much so. We tried to keep our comments focused mostly on the workplace, but certainly we'd like to see it generalized.

**The Chair:** Thank you, Mr. Wilson, for your presentation.

#### AVRIL RINN

**The Chair:** We'll move on to the next presentation, Avril Rinn. Good afternoon, Ms. Rinn. You can start any time you're ready. You have 15 minutes. We thank you for coming.

**Ms. Avril Rinn:** My name is Avril Rinn. I'm here representing myself and the agency I work for. I am, first of all, a person with a disability. I was born with congenital cataracts, so I'm legally blind. I've worked for the past 14 years for an agency called Accommodation, Training and Networking—we say ATN, just to make it shorter—here in London.

I want to start by saying that I've heard a lot of really compelling stories today. I'm probably going to keep mine fairly short because there isn't a point on my page that someone else hasn't already made.

First of all, I'd like to really thank you for the opportunity to be here today. It's really empowering. Even if

nothing changed—of course, things will—I think we'd all feel really empowered just for the opportunity to actually be here and feel that we're getting listened to by the government. Sometimes as a person with a disability you don't feel very in control of your life and you don't feel like you have a lot of power. Being able to have a chance to sit here and have people listen to me while I get my 15 minutes in the spotlight is really exciting.

Having said that, I think it was the person from CLL, who actually went through all the processes he'd been through, and he named all the different reports he had contributed to and the events that he'd been part of. I've done a lot of that too over the last 14 years, and it's a little bit discouraging because the issues seem to be pretty well known—everybody is saying the same thing—but they're still the same issues, so that's my first point.

There are a lot of good things that are happening and that Ontario has in place right now, like the assistive devices program and like ODSP's employment support program. I don't know what it's like in other parts of the province, but here in London we get a lot of support. People with disabilities get a lot of support from ODSP employment support, so they're a good thing that's happening.

As I was reading through the bill, I was struck that a lot of the things I had to say are things—and I've heard this said by members of the committee before—that the bill probably isn't going to address. I'm hoping that maybe the bill can be amended or in some future time there can be other kinds of legislation to make some of those things part of processes.

I was looking over how the bill was titled, and it says, An Act respecting the development, implementation and enforcement of standards relating to accessibility, and the first thing I thought was, what does "accessibility" mean? Well, it means different things to everybody who's in the room today. Somebody in a wheelchair wants all-level access and automatic doors. I'd like to have big signs. Somebody else just wants to be able to have a subsidized bus pass so they can go to work. Accessibility is a million different things to a million different people. Much of the time, law isn't what makes things accessible, attitude is, the attitudes of the people around you. I realize you can't legislate attitude, but that's really important.

At the organization I work for, ATN, we serve about 500 clients a year. We do pre-employment skills training for people with disabilities, and employment is our main focus, with quality of life for a lot of our clients being our secondary focus, and the recognition that everybody deserves—again, I think the person from CLL mentioned that a lot of people can go out and pick up a schedule of what's happening at the local community centre and go to that, but if you have a physical or visual or hearing disability, you can't attend all of those courses, but they're still really important to your quality of life.

It's a hard thing, because there's not a financial reason why you would do it; there's more of a human reason why those things are important. Some of the problems we



see at ATN on a daily basis, in terms of employment and training, are students graduating from the high school system who, quite honestly, cannot read, who have either just been pushed along and ignored or their disability was put aside and they were just sort of warehoused in the school system. What's really disturbing about that is that for kids who don't have disabilities, you start in grade 9: What courses do you want to take? What kind of career path do you want? For students with disabilities, it's not like that. It very seldom happens that somebody's looking at what's going to happen to them after school. It seems to come as a big shock to everybody that they're graduating, and there needs to be something for them after that. We'd really like to see a process where that's made more of a priority.

A lot of the older adults we've seen, whether they are people who've always had disabilities in their lives or people who have just recently gotten disabilities, are people who are despairing about what's going to happen to them and what their future is going to be like. They can live on ODSP and they probably aren't going to starve to death, but they're not going to have much quality in their life and not much hope for a future for themselves.

Among that group, there are people who can't get involved in education and training opportunities because there's no funding for them. There's no funding for things like interpreters, for accessible materials, for accommodating whatever their disability is to the course. For people with more severe disabilities, as I alluded to before, their options are very limited in terms of the kinds of things they can get involved in; often, it will have to do with things like, if the agency they're associated with has an affiliation with a certain bowling alley or some kind of program, they can go to that, but they don't have a lot of individual choices because of their physical or intellectual limitations, because there's not transportation available, for a lot of reasons just like that.

You know that funding mechanisms exist, but they're not very well advertised. They're hard to find, they're administered by all different agencies, and the amount of paperwork you go through is just incredible. It would be really nice if that stuff could somehow be legislated into making it easier to access those things, a kind of one-stop-shopping approach to different things.

I guess the reason we see stuff like this as problems is because it all contributes very significantly to the very high unemployment rate among people with disabilities. I think many more people with disabilities could work if there were a few more supports available to them. You can also make a case for stuff like this being really bad for people's physical and mental health. If you don't have any mental or physical stimulation and not a lot of hope for your future, you're probably going to have medical problems.

1540

Bill 118, or legislation like it, can help, I think, by being a starting point for inclusion and equal access, something that hopefully can be alive and can evolve,

where things can be added or changed when there need to be changes.

I have a real interest in kids, because as a young person, I saw myself falling into a lot of these categories in terms of not having a lot of hope for my future, not seeing what would happen to me after university and stuff like that. I had a lot of mentors in my life who helped me. I'm a fairly determined person. Unless you are those things, unless you have those mentors and unless you are hugely determined, you're maybe not going to get what you need and then you're not going to be able to succeed.

The last thing I would like to say is that I would really like something like Bill 118 to recognize that it isn't just one agency or one bill or one group that's going to make something like this successful. For a lot of these problems to be alleviated, there needs to be a collaborative, concerted effort by a number of different things—income support, housing, education, health—when you think about people with disabilities getting into the workforce.

I've often used the phrase, "You're only as disabled as your society makes you." That's a bit of a negative statement, but sometimes it's really true. If society already believes that you don't have a future, that there's no hope for you, if there are already beliefs about what your abilities are, then yes, you're probably not going to succeed.

Just as a way to end, I want to illustrate some of the points I've made. When I first said I wanted to make a presentation before the committee, I sent an e-mail, and in my e-mail, I asked that this process be held in a central location because I'd be coming on the bus. I was horrified—not that there's anything wrong with this facility; it's a lovely hotel, but it's just not in a very nice location if you're coming from downtown or far away. The person I talked to was lovely and accommodating. She was quite horrified and said, "But we had a checklist. The hotel had to have automatic doors and accessible washrooms"—she was kind of going on, and I let her. But I thought, that's not just what it's about. There's more to access than that.

I sincerely believe that legislating some of these things is really going to help people with disabilities and I hope that the legislation can reflect many of the things we've heard today. Thank you.

**The Chair:** Thank you, Ms. Rinn. It was the clerk you spoke to, the lady on my right here. Anyway, thank you for your presentation. There is one minute available for each party to ask questions, and I will start with Mr. Marchese.

**Mr. Marchese:** Thank you for sharing the stories, Avril, because we learn so much about the complexities people face when they have a certain disability. The last comment was equally useful.

You also raised the whole issue of Bill 118 hopefully addressing some problems, but that there are so many other inter-related problems that need to be dealt with to complete the wholeness of a person with a disability. Housing, income support, employment support, edu-

cation—all of these are so connected. All I can say is that you and the rest of us will need to continue to lobby the Liberal government, in this instance, to make sure that those issues are going to be dealt with in the next couple of years.

**Mr. Fonseca:** Avril, thank you so much for your deposition. Listening to so many who have come forward and shared their stories with us, it's daunting to hear about the number of barriers that exist out there. When we hear about the lip on a bathtub—I know that Mr. Ramal actually spoke to the management here at this hotel because questions have come up around barriers that exist, even in this hotel, which was newly built in the last three years. They said that within their policies and best practices at the Sheraton, they invest a percentage, actually have a percentage built in, to be at the best of standards they've been given. I believe this hotel chain is American and it's coming through the Americans with Disabilities Act.

Listening to what you've shared with us has been incredible, and that's why we have to move as quickly as possible with this bill and get it enacted, so that we have those standards, so that we have those timelines, so that we can bring everybody—even those who feel they're doing a good job, but it's still not getting us to where we want to get to.

I was looking at today's menu here at the restaurant and the lettering was actually small for me, and I've got 20/20 vision. So I can only imagine that as a barrier to someone like yourself. Thank you very much.

**Mr. Jackson:** Avril, thank you for your presentation. It was refreshing and it was uplifting, so I want to thank you for that.

As I listened to you carefully, I was getting a sense that underneath your message was a concern that even if we get employers sensitized to the needs of the disabled and ready to accommodate, there's still an even more important front-end role for government to ensure that we give persons the tools with which to operate and to draw out of a basket of services: housing, skills, education, supportive devices, aids to communication—you know the checklist better than I do. When you listen carefully to your brief, I guess you really are trying to convey to us that unless we insist that the education system make some changes—student loans, a system of bursaries—and unless we get technical training dollars, whether from the federal or provincial government, coordinated for the disabled, unless we get those things right, we're actually asking the private sector to get ready for a group of workers who don't have the supports to do the job they know they're capable of. I'd like you to respond to that. Did I listen to you carefully enough to get that that's an important part of your message, that by focusing too much on the private sector, which has to be focused on, we may be taking our focus away from the responsibility of government to fund these programs properly?

**Ms. Rinn:** It's absolutely crucial that all the systems are working together. Yes, that's exactly what I was

saying. Even if a person with, say, a physical disability gets a job, if they don't have an accessible apartment, if they can't get attendant care, they're going to have all kinds of trouble actually being able to get to the job, not because they can't do the job but because they're not able to do the job.

**The Chair:** Thank you very much for presentation, Ms. Rinn.

#### DUNCAN BRUCE SINCLAIR

**The Chair:** The next presentation is from Duncan Bruce Sinclair. Mr. Sinclair, please start any time you're ready. You know you have 15 minutes. Thank you for coming.

**Mr. Duncan Bruce Sinclair:** Thank you, Mr. Chairman and members. I must admit, I have been moved by a number of the presentations today. There have been some great presentations. In fact, so many good points have been made today, many of them repetitive of what I was going to say, that I trashed my formal notes and I'll try to keep my comments fairly brief.

I must say, I am impressed with the group up here. Not only have you been very attentive, as I've watched all these presentations, which I know is tough, I've noticed that very few of you have even taken bathroom breaks. For those of us in wheelchairs, we don't usually do that on purpose; it's usually because we can't get in the toilet.

Thanks for the introduction. My name is Bruce Sinclair. I actually was born and raised in London, so it's fun to come back here for this presentation. I came back for two reasons. I travelled about six hours yesterday to come here for this presentation and also to take my son out to dinner last night—he's at the university—to make sure he's actually still attending. I think he convinced me of that.

Yesterday was another great example. You've talked about how you enjoy some stories, so I will give you a couple of things that impact us. I'm presenting from a slightly different bent. I'm an employer, an executive. I've had great opportunities living in Ontario. I was educated here at undergraduate and graduate school. I had the opportunity of moving up through corporations. I was the founder and president of Dell Computer in Canada. I launched it in Europe and ran it across Europe. I'm currently president and CEO of WaveRider Communications, which was recognized last year as the fifth-fastest growing company in Canada. I have had a wonderful career spanning the last 20-plus years. I've had the chance of working in America and in Europe, and have benefited personally very well from that. Unlike many of the people whom I think this bill will support, it's not a financial issue for me. It's just one of accessibility and of treating the disabled community as equal citizens.

1550

Every day is a challenge. Yesterday I flew in from a vacation. I left my wife on a golf course in Florida and



landed in Toronto. I went to the car rental and, sure enough, they'd forgotten to put hand controls in the car, so I sat outside for two hours and waited for them. They did manage to put one together, which was impressive, because they usually can't do that when they screw up. That never happens in America.

I got to the hotel here last night at 7 o'clock. I had dinner arranged with my son at 7:30 at a local restaurant. They gave me my room and I said, "Gee, I didn't know you had any accessible rooms upstairs." They said, "Oh no, you don't have an accessible room." I didn't have an accessible room. I'd booked one, but they'd given that away. So at this hotel last night at 7 o'clock, I'm getting more frustrated, having travelled for about seven hours. They said, "Sorry. We've upgraded you to a suite." I said, "That's great, but I would like to be able to go to the bathroom." I'm not as good as some of you who have hung in here all day.

I couldn't get a room here, so after dealing with a rather obnoxious person at the front desk, I finally convinced them to at least find me one. They assured me that the brand new Travelodge a few doors down the road would be just as good as this hotel. It's not nearly as nice a hotel, but it was a hotel with an accessible room. I got to the room and I could get in the bathroom door, but it wasn't an accessible shower. There were no bars on it. I did, by the way, manage to have a shower, so you can talk to me afterwards if you want, but I did leave about four inches of water in the bathroom when I left.

I try to make light of these stories, because I'm one of the few lucky ones who is a little more tenacious, a little stronger and more able-bodied, in many ways, than other people in my situation, because I'll make do.

I talk about how lucky I've been with my career. I personally have paid over a million dollars in taxes in the last 10 years since I had my accident, because I've been lucky with my career and with good work opportunities.

My principal residence now is in Thornbury, Ontario—the other side of Collingwood, for those of you who know it. There are about 30 shops in town. There are four that I can get into. There are about 10 restaurants in the local community. Two of them have accessible toilets; five of them I can't even physically get into.

A year ago, they tore up the main street in lovely downtown Thornbury. I love the town, and I was so excited that they tore up the town and were putting in very fancy new sidewalks and nice lamps to make it very trendy. They didn't even make the shops accessible as a result of that. In fact, there are more steps now, so there are fewer shops I can get into, post-reconstruction of the sidewalk, than before.

Mr. Jackson, you said you were surprised earlier to find the lack of co-operation in St. Thomas. There may be co-operation in some of these communities because they're not doing anything. I mean, nothing is happening. They're going backwards, not forward.

I share my examples because I travel a lot to other countries and to other places. Ontario has the distinction, certainly in North America, of being comparable to Quebec and Mexico. Those are the only two other places

I've travelled to that I can say are equally bad. We are like a Third World country compared to many of the jurisdictions that I've travelled to: The United States, Australia, England and Germany are far ahead of Ontario. I don't think people realize that, because we tend to look at how it's affecting our own communities, what's going on in our own communities. We are way behind these communities. I can travel to any of those places and I don't have to worry about hotels. I don't have to worry about car rentals. I don't have to worry about where I'm going.

Two weeks ago, I had two fellows in interviewing for board of directors positions. We finished the day of interviews—this is in Toronto—and went to two restaurants. Neither of them had accessible toilets. I ended up peeing in the parking lot, and then we went in and had the director interviews over dinner in a restaurant in Toronto.

Two or three months ago, our company was awarded the Touche Ross Fast 50 award for the fastest-growing companies. I was supposed to give a few comments at the dinner. I got down to the new restaurant in downtown Toronto and couldn't get in. There were two steps at the front door. I turned around, went back to my car and drove the two and a half hours back to my home. That is an example of what it takes to do business in Ontario.

When I moved my office to the building that I'm in, on Consumers Road in Toronto, they didn't have an accessible bathroom in the building, where I could close the door. I said, "Well, we're definitely not moving in until you build me one." They were going to build me an executive suite. I'm the president and CEO and they'd build me a fancy office. I said, "No, I want a bathroom. If I want to hire people and if people in the building want to work there, I don't want this to be an exclusive building,"—and they did. Now people come from a couple of buildings around to go to the bathroom in my building.

The fact that we have building codes that are not being followed or that are not addressing this today is an embarrassment. When we talk about the time frame, 20 years is ridiculous. For us to consider that we're going to implement something over a 20-year period when we are so far behind the rest of the developed world is embarrassing; the fact that we don't want to put teeth in this legislation so that people would be accountable for it. You mentioned the ADA, the Americans with Disabilities Act, earlier. I spend a lot of time in America. I've worked in America quite a bit. One of the reasons they have been so successful with theirs is because of the teeth in the legislation. It works.

You don't have to give education if a business is going to be closed down because it wasn't accessible. If a hotel could be closed because they didn't meet the requirements, those staff get trained by that hotel on how to support people with disabilities. I wouldn't emphasize education at all, because education will help when people are forced to make their places accessible and society is forced to be accessible. Thank you very much.

**The Chair:** Thank you, Mr. Sinclair. We still have two minutes or so, so I will allow about a minute each. We'll start with Mr. Ramal from the Liberals.

**Mr. Ramal:** Thank you very much for coming. This presentation was different from all the presentations we listened to, and inspiring. Hopefully, this bill will eliminate your concerns and make you happier about Ontario. Hopefully, Ontario will meet the standards that every one of us is looking forward to seeing in the future. Hopefully, by passing this bill, we can achieve our goal and your goal.

**The Chair:** Mr. Parsons, a quick one, within a minute.

**Mr. Parsons:** I appreciate the presentation. I spent a day in a wheelchair in my community just to experience it and I was shocked at the number of buildings that I thought were accessible but that weren't. The thing that really shocked me, though, was I'd go into a coffee shop or a store in the chair and I was invisible. The clerks didn't see me. I just didn't seem to exist any more. Have you any comment on that?

**Mr. Sinclair:** Again, I think I'm lucky. I'm big, I'm loud.

**Mr. Parsons:** Intimidating.

**Mr. Sinclair:** I will make my presence known. But clearly that is an issue.

I might add just one quick comment. I'm on an honorary board of the Canadian Paraplegic Association. I have seen what they've submitted. I'm actually on an honorary board with John Tory. He's a good friend. I'm supposed to be at a function in two weeks with Rick Hansen. We try to raise money for the CPA. I definitely support the feedback they've given. I think they could be more aggressive on the timing.

**Mr. Jackson:** Duncan, thank you very much. Would you be willing to sit on one of the standards committees?

**Mr. Sinclair:** I would be prepared to consider it and provide some input for it. I'd have to understand the time commitments.

**Mr. Jackson:** Thank you very much. Your presentation was compelling.

**Mr. Marchese:** Thank you, Duncan, for speaking to many issues, including the timelines. You heard a couple of people—the majority think that 20 years is just silly and some thought that it might be reasonable. I don't think it's reasonable. I think we can do it in half that time. I don't think the Liberals have any support for keeping that 20-year deadline, so I hope that will die.

On the whole issue of monitoring enforcement and so on, one of the things people have told us about is that there is no effective monitoring system to look at its implementation. The minister is not even required to publish an annual report on the progress of the standards development or enforcement. There is no mandatory evaluation process. And there is no provision for the maintenance of a publicly accessible database that could be compiled for the reports filed under the AODA. Do you think that's a problem?

**Mr. Sinclair:** Clearly, there have to be aggressive, measurable milestones and a feedback mechanism that can measure that. Whether the specifics of what you've addressed—there are people smarter than me at addressing the legislative side of it. Again, one of the key

differences between here and other jurisdictions is that when there are real teeth in it, when there are penalties, when there is a real price to pay, people get educated, people learn, and that feedback will happen if those mechanisms are in place.

**Mr. Marchese:** Except, on the whole issue, there is a fine but there are three problems with it: (1) There is no requirement to hire inspectors; (2) there is no requirement to have a director do a review of accessibility reports; they might do it but there's no requirement that they do that; and (3) there is no mechanism to know who the heck is going to be doing the administration for the penalties. So while that is there, it appears there is going to be an enforcement, but we don't think it's going to happen.

**Mr. Sinclair:** Clearly, there has to be something stronger put in to make sure it happens. There was some good work done before that didn't get followed up on and implemented. Hopefully, this time it will.

**The Chair:** Thank you very much, Mr. Sinclair, for your presentation. We thank you for coming here. Hopefully, you enjoyed the day in London.

**Mr. Sinclair:** It was good.

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## LONDON PROPERTY MANAGEMENT ASSOCIATION

**The Chair:** The next presentation is from London Property Management Association, Kim Walker and Paul Cappa.

**Mr. Jackson:** Mr. Chairman, I just have a brief motion I'd like to read into the record:

I move that the standing committee on social policy invite the chair and members of the Accessibility Advisory Council of Ontario to be given sufficient time to provide a detailed technical briefing to the social policy committee on the progress to date on their work to prepare sectoral accessibility standards and regulations, as mandated in section 19 of Bill 125, the Ontarians with Disabilities Act, 2001, to occur when the Legislature reconvenes and before clause-by-clause consideration of Bill 118.

My motion would suggest that we reserve this for debate when the committee reconvenes. So I'd like to table that, if that is received unanimously for that purpose by the committee.

**The Chair:** OK. Like the prior motion, we'll accept it and we will deal with it in our first meeting.

I think we can move on to the next presentation. Ms. Walker and Mr. Cappa, thank you and please proceed.

**Ms. Kim Walker:** Good afternoon, Mr. Chair and fellow committee members. My name is Kim Walker and I am the president of the London Property Management Association—LPMA for short. I'm also a property manager with Medallion Corp. in London. I'm accompanied today by Paul Cappa, vice-president of LPMA.

LPMA is a non-profit association of large and small owners/operators and managers—



**The Chair:** Ms. Walker, could I ask you to moderate your pace so that all the people in attendance are able to understand and appreciate your presentation equally? You want them to appreciate it, so keep that in mind, please.

**Ms. Walker:** I'm very sorry. I have ADHD and part of my disability is that I speak rather quickly.

**The Chair:** Alas, I do the same thing.

**Ms. Walker:** Thank you. LPMA is a non-profit association of large and small owners/operators and managers of residential rental properties. Our organization has represented the interests of the rental housing industry in London and area since 1967. We have approximately 400 members, the majority of whom own fewer than 30 rental units. Bill 118 will have a direct effect on our landlord members, and we appreciate the opportunity to be here today to share our concerns with this committee.

We understand that the purpose of Bill 118 is to establish accessibility standards for persons and organizations in both the public and private sector. As providers of rental housing, our industry would be included under this legislation.

Let me start by saying that LPMA supports accessibility initiatives designed to reduce physical barriers for the disabled.

This bill introduces yet another piece of provincial regulation to the rental housing industry. The industry is already highly regulated. We are affected by many different pieces of provincial legislation, including the Building Code Act, the fire code, the Tenant Protection Act and the Ontario Human Rights Code, to name a few.

Upon reviewing this bill, our initial observation is that it describes in general terms a process but does not include the terms of reference for the standards that are contemplated. This creates some uncertainty for our members. Specifically, we are concerned that the government may use this legislation to download their responsibility for accommodating people with disabilities, whether mental or physical, to the private sector, without regard to cost or consequence. Our members are also concerned that this bill will be used to require landlords to retrofit their buildings so that they resemble institutions rather than residences. Hopefully, our members' concerns will be alleviated through this process here today and the end product will be reasonable and something we can all live with.

Our industry is subject to the policies and regulations of all three levels of government. In the past, we have observed various arms of government working in isolation when bringing about legislative reforms, despite assurances to the contrary. Little thought is given to the big picture and the impact and interplay between competing jurisdictions and regulations.

It is important and critical at this juncture, before this legislation is adopted, that there be a full assessment of the impact on the different policy objectives of the government. This will help to remove uncertainty.

Reducing the barriers to accessibility is a laudable goal but, in reading this statute, it is unclear specifically

what standards are anticipated. No one can argue with reasonable and predictable standards which are developed through consultation and consensus.

Standards and measures must be reasonable in both their application and expectation, predictable and guarded from political interference. As with any business, landlords need and want certainty that will allow them to operate their businesses without being subject to arbitrary standards that are inconsistent in their application or unclear in their objective.

Reasonable standards should allow landlords sufficient time to plan and implement measures that eliminate barriers. While we support standards that would apply equally across the industry as a whole, we ask that you recognize that ours is a very diverse industry. The standards should recognize that there are degrees of disabilities; likewise, there should be recognition in their application that the scale and range of rental housing operations varies widely. Also, the level of sophistication of property owners varies greatly.

We note that the bill has a 20-year full implementation timeline. LPMA supports reasonable timelines which allow our industry to plan and implement changes that eliminate barriers.

I'd like to highlight for you some of our specific concerns with this bill as it presently is drafted.

LPMA is concerned about the abstract and vague concepts within this legislation and how it will subsequently affect our industry. We are concerned about the role of the standards development committees and the enforcement provisions of the bill.

The bill contains a general, and previously acknowledged, laudable goal, but it does not provide any specific parameters, guidelines or particulars of what will ultimately be reflected in the accessibility standards. There's no direction given by the legislation to the standards development committees regarding the substance, parameters and criteria to consider for developing the specific standards.

Will the terms of reference referred to in section 8 of the bill for the development of the standards be promulgated by elected government, government staff, special interest groups or the public at large? There's no minimum or maximum guideline, no reference to cost or benefit, no reference to pre-existing standards or regulations. The terms of reference are critical to the development of the standards and ought to be incorporated into the statute.

In our view, too much discretion is being given to unelected individuals to develop standards that could have significant financial and administrative consequences for private sector landlords. Unelected representatives are not accountable to the public. This legislation has far-reaching implications and should not be left to regulations; it should be the subject of public scrutiny and debate.

If standards development is to be left to committees, and the terms of reference are omitted from the statute, there should at a minimum be some reference to reasonable and specific limiting criteria. With this in mind, we

urge the government to amend the bill to include specific criteria which the standards development committees shall have regard to in developing standards. This will ultimately assist the committees to determine reasonable standards and measures that will be attainable.

For example, the committees should be required to consider the feasibility of the standard or measure from a technical, physical, practical and financial perspective. The bill presently requires the standards development committees to have regard to these criteria only when determining the time frame for implementation, not for developing the standard itself. In this respect the bill is flawed.

By introducing reasonable criteria, the standards will ultimately be workable and not inflexible. For example, if a rental unit requires some form of alteration, there may be technical or physical limitations which would make it impossible to achieve compliance.

The bill should also ensure that, prior to a standard coming into force, that there be support mechanisms and programs implemented by the government to give force and effect to the standard. For example, an elderly tenant suffering from dementia with no surviving relatives may require care that is beyond the scope of a landlord-tenant relationship. If the standard requires the landlord to notify some public agency, then that agency must be empowered to intervene and be prepared to do so once the standard is adopted.

LPMA is also concerned with the broad definitions of "disability" and "barriers," which appear to be open-ended. For example, the definition of "attitudinal barrier" is unclear as it presently appears in the bill. It's critical that all of the definitions in this bill be comprehensible and fair to all.

The relative success of standards development falls to the representatives that will form these committees. In theory, the commitment could last anywhere from five to 20 years. We're hopeful that the government will seek out expertise and balanced representation from all sectors that are impacted by this bill. It's also critical that members be compensated because of the significant amount of work that will be required to put the practical substance into the legislation.

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LPMA strongly urges that there be representation from the private rental housing sector, specifically a senior professional with expertise in property management, design and construction.

The bill does not address the process by which the standards will initially be designed. We cannot assume that committee members will agree on every component of each standard. What is unclear from the bill is how the committees will obtain public input in the initial stages when developing the standards.

In our view, it would be advisable to publish a discussion paper and allow public input before any standards are drafted. In order to do so, the legislation should be amended to articulate the guiding principles and criteria that will form the backbone for the standards. In

the absence of this process, the public is effectively excluded.

LPMA has concerns about some of the bill's enforcement provisions. We are concerned about the bill's potential conflict with the Tenant Protection Act and the Human Rights Code. It would be unfair and prejudicial for a landlord to have to respond to proceedings in front of all three tribunals regarding potentially the same thing.

The requirement for an annual compliance report is administratively burdensome for both the owner and the public body that is expected to review the same. Many small rental property owners do not have the educational or language skills required to prepare an accessibility report. The requirement to provide a report may drive many of them out of the industry. We urge you to re-examine this requirement.

In conclusion, LPMA supports in principle the concept of accessibility standards. A clearly defined set of reasonable and practical standards will be a benefit to society as a whole. We believe the bill, as drafted, should be amended to clearly articulate the criteria and substance of the standards so that there will be an opportunity for public scrutiny and debate.

Thank you very much for the opportunity to speak to you today.

**The Chair:** Thank you. There is time for questions: one minute each. We'll start with Mr Marchese.

**Mr. Marchese:** Kim, two things. I want to make them brief. On page 3—there's no paging, but it's 3—"Our members are also concerned that this bill will be used to require landlords to retrofit their buildings so that they resemble 'institutions' rather than 'residences.'" You're saying that if we have washrooms that are accessible to people with disabilities, that might resemble an institution rather than a residence?

**Ms. Walker:** I'm going to defer to Paul Cappa to answer that.

**Mr. Paul Cappa:** We're not really sure what it means, because the central issue that we have with the legislation is that there's not enough detail there. If the requirement is that every unit in a 200-unit apartment building be handicapped-accessible rather than a certain—

**Mr. Marchese:** A couple of units, yes.

**Mr. Cappa:** —yes, a couple of units: I don't know; is that reasonable?

**Mr. Marchese:** I just found the language curious. "So that they resemble 'institutions' rather than 'residences'": I didn't like it. That's what I wanted to say.

I want to ask you both: If you had a disability, either one of you or both of you, would you be presenting this report?

**Mr. Cappa:** Well, I can tell you that there are a number of small landlords—

**Mr. Marchese:** If you had a disability, would you be presenting this report?

**Mr. Cappa:** I don't know if I can answer that because it would depend on my capacity as a director of this association.



**Ms. Walker:** If I had a disability and I was a landlord, then yes, I would be presenting this report today.

**Mr. Parsons:** I know the best thing for tenants is to get a healthy rental market, but I'm a little disturbed by your presentation. You say that "the government may use this legislation to download their responsibility for accommodating people with disabilities, whether physical or mental." People in Ontario have the right to accommodation. People with disabilities aren't asking for something special. They're not asking for a favour. They're not asking for something above what the rest of the community has. Your tenant without disability has a right to a washroom and that it be accessible. A person with a disability has a right to a washroom and that it be accessible. It's a basic human thing.

You're focusing on the physical disabilities, but I would suggest to you that if you're developmentally handicapped or if you have a mental health issue, you're going to have trouble renting a place. Far too many individuals are judged to not be a good tenant before they've ever been given a try. The decision is made that you're not going to let them in, and I'm afraid that offends me.

What we're asking for, what Ontario has stood for, is equity for individuals. What I'm hearing is, we don't want to take the barriers down. You're talking about some of the standards and whether they should be implemented. The stance of this government is not if they'll be implemented but when they will be implemented. I really, passionately believe that they're not second-class citizens. This makes it sound like you're doing them a favour by letting them have an apartment. Any reaction?

**Mr. Cappa:** I'm sorry if you take that from the paper, because clearly that wasn't the intention. There are a couple of points we want to draw, and those are that in this industry there are a number of regulations that already affect us, whether it's the fire code or the building code. We accept that there will be additional accessibility standards. We just want to ensure that there is consistency between those standards. You have to appreciate that not only is there provincial jurisdiction but there's also municipal jurisdiction. We don't want to be caught in the crossfire; we just want to make sure there is consistency. I don't think that's unreasonable.

**Mr. Parsons:** I also will reinforce the other part: the invisible disabilities. I hear consistently from individuals who have trouble renting if they have mental health issues.

**Mr. Cappa:** Can I—

**The Chair:** Yes, quickly, and we'll end it.

**Mr. Cappa:** I can tell you that, for instance, here in London there are a number of landlords that are in co-operative arrangements with public agencies to provide accommodation for those people who have mental handicaps. All I can say is, I'd hate to see something come down the pipe that's going to interfere with those existing arrangements.

**The Chair:** Thank you again for your presentation.

## ONTARIANS WITH DISABILITIES ACT COMMITTEE, LONDON

**The Chair:** We'll move on to the next presentation, which is the Ontarians with Disabilities Act Committee. London: Andrew Tankus. As you take your seat, you can start whenever you're ready. You have 15 minutes for your presentation.

**Mr. Andrew Tankus:** Thank you, Mr. Chairman and committee members. I believe Bill 118 should be implemented to strengthen the original Ontarians with Disabilities Act of 2001.

First, I would like to give you a brief history about myself before I explain why. In 1977, at the age of nine, I had a golf-ball-sized brain tumour removed from the back of my head. Medical technology being what it was back then, they had to remove a third of my brain along with it to save my life. While on chemotherapy and radiation therapy, I was told by my doctors that there would be side-effects from these treatments, but what and when they would be they did not know. I was told this because at first they only gave me a 3% chance of survival.

The first of these effects occurred six years later in 1984, when I was told that I was brain-damaged as a result of the surgery and radiation treatment. It was recommended that I not continue going to school. The second occurred in 1990, when a second tumour was removed from my brain. It was discovered that this tumour was caused by the treatment that saved my life back in 1977.

In 1991, against the suggestion of my parents and the staff of a local vocational institute, I enrolled in Fanshawe College. I graduated in 1993.

I have tried to live my life as normally as possible, including jumping out of a plane at 10,000 feet and driving a car into a brick wall as part of a movie stunt, just because I wanted to. But the most difficult barrier I have been forced to face is having been discriminated against because of my disability. For example, someone calls you on the phone whom you have never met, someone who wants you to be a volunteer for their campaign. Based on the conversation you have with this person, you create a mental image of what this person should look like. What would happen when you meet this person for the first time and they did not look anything like what you expected, like the image you had in your head?

In my case, there have been many times when I have spoken to a prospective employer on the phone about an advertised job to arrange an interview. When I would arrive, before the interview would even begin, I would be told, "I can't hire you." When I asked why, the answer I got nine times out of 10 was, "If I hire you it'll make me look bad for employing someone who looks like you, especially if you make a mistake." I had made an attempt to take some of these employers to court for the infringement of my rights and was told not to bother by every lawyer I consulted.

In 2002, I was diagnosed as having complex partial seizures. While it is just a mild form of epilepsy, I am not allowed to work or drive because, as of yet, my medication is not working to properly control these seizures. These seizures are being caused by the growth of scar tissue at the site of the removal of the second tumour. That was the third side effect. Two days ago, though, my neurologist informed me that I might have to have surgery to remove the part of my brain that's causing those seizures, but he also said that that operation itself may cause seizures in a different part of my brain.

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In 2003, when my savings ran out, I went to the local Ontario Works office to apply for financial assistance. It was here that I experienced, for the first time, what I call discrimination at the government level. I explained that I had a letter from my doctor explaining why I could not work. The intake worker just got up and walked away. This happened twice. Finally, I demanded to speak to a supervisor, and it was only because of this that I was able to get into the program. The same year, I became an active member at Cornerstone Clubhouse, which is a part of the Dale Brain Injury Services here in London. I also became a member of the London region ODA.

The organization that I represent here today is that of the unseen, or those of us who have what you could call an invisible disability. It's easy to identify with barriers for people with visible disabilities, such as a wheelchair or a walker, but it's not so easy to identify with barriers for people who have an unseen disability, like me. I'm articulate, I can walk, I used to drive, and so forth.

Yes, Bill 118 must be enacted to make the Ontario disability act of 2001 stronger, so that the disability community of Ontario can be included in the day-to-day events of life, as most of us want to be. But part of the plan to transform Ontario into a truly accessible province must also include the increase of payments to those of us who rely on government for financial support in a realistic way. My rent right now, for example, is more than 52% of my monthly cheque. I have been told by my local ODSP office that I should move. I should not be paying more than \$416 a month in rent. In the city of London, you cannot find an apartment, specifically a bachelor apartment, for less than \$400.

Lastly, I just want to say that I think it was in pretty poor taste that in preparation for their presentation today, the London and District Labour Council, in conjunction with the Ontario Federation of Labour, held a meeting in a mostly inaccessible location on January 26, in a building that was mostly inaccessible for people with disabilities. Thank you.

**The Chair:** Thanks very much. We have two minutes for each party to ask questions. I'll start with Mr. Jackson, please.

**Mr. Jackson:** Andrew, thank you for your presentation today and your personal story of survival. This is quite extraordinary. Your cancer is fully in remission, I take it?

**Mr. Tankus:** One, yes; the other one, they're not sure yet.

**Mr. Jackson:** Not sure yet, eh? Andrew, you're familiar with Mr. Lepofsky's 168-page report to this committee. We've asked for additional time for the committee to analyze his brief and give him more time. I'm sure you're the first one to say that it's a little unfair that he was given the same amount of time that you were given to present his wealth of knowledge to the committee. Does your access committee fully support the recommendations in his report?

**Mr. Tankus:** In the brief amount of time that I had to read the amendments for Bill 118, the one thing I would change is that I would broaden the scope of the word "disability" to both visible and invisible disabilities, so that it is more widely understood.

**Mr. Jackson:** In conclusion, I want to say that I had occasion, when I was minister, to tour Dale Brain Injury Services and your Cornerstone Clubhouse program. I just want to let you know that I know a bit of what you speak and certainly concur with the concerns you raise. I'm pleased that you're connected to that important service.

**The Chair:** Mr. Marchese?

**Mr. Marchese:** Thank you, Andrew. I congratulate you for the strength of the personality that you exemplify in the face of so many problems that you have faced and continue to face.

One of the issues you speak to that I want to repeat is the whole need for an advocate. When you say that on two occasions, once they saw you, they told you what they told you, "I can't hire you," it's dreadful. Then when you go to a lawyer who says, "Don't bother," it speaks to the need to have an advocate. That even lawyers are telling you, "Don't bother taking this through the legal process," or even saying, "Take this to the Ontario Human Rights Commission as a way of seeking redress" is unbelievable.

I think this bill needs to have an advocate built into it, so that when people face problems, they can go to someone who can do the work for them. So you don't have to, on your own, decide, "Do I have the resources? Do I have the strength? Do I have the money? Do I have the time?" and so on. Do you not agree that we need an advocate?

**Mr. Tankus:** If I may respond to that, this past summer, last year, here in London we had a symposium that Marie Bountrogianni attended, the first time that a citizenship minister attended. I raised the question that had the Ontario Human Rights Commission, which covers this to begin with, been strong enough, we wouldn't need the ODA at all.

**The Chair:** Ms. Wynne?

**Ms. Wynne:** Thanks, Andrew. I'm not familiar with the Cornerstone Clubhouse. Can you just tell me what that organization does?

**Mr. Tankus:** Cornerstone Clubhouse is a clubhouse for adults where they can come and spend their day. It's a work-ordered situation. They have survived mild to severe brain injuries and regain some of their skills, some



of their dignity. They regain their skills, learn new skills. They can even get transitional employment if they are capable of it. There are different areas in the place where they can work: the kitchen; there are administrative skills. There are only six staff members. There are over 100 members, but the whole building is run by the members.

**Ms. Wynne:** So it's a program that speaks to some of the issues that I think Avril Rinn was talking about, the issues of helping people to develop skills for citizenship, basically, not even necessarily for employment but for feeling like they're part of and being part of the community.

**Mr. Tankus:** It's a combination of that, but it's more like members helping members learn more about themselves and learn about what they can do. It's not so much what they can't do; it's more of what they can do.

**Ms. Wynne:** The payoff to society, then, is that those people feel more able to take part.

**Mr. Tankus:** To increase their own skills.

**The Chair:** Thank you very much for your presentation. We'll move on to the next presentation now.

1630

#### AUTISM SOCIETY ONTARIO

**The Chair:** The next presentation is from Autism Society Ontario. Patricia Gallin, you've got 15 minutes. Keep in mind that we all want to enjoy your presentation. Please proceed.

**Ms. Patricia Gallin:** Thank you very much for the opportunity to be here. As other speakers have said, it's wonderful to have this opportunity. My name is Patricia Gallin. I'm the president of the local chapter of Autism Society Ontario—the London and district chapter—but more importantly, I'm the parent of a 19-year-old son with Asperger's syndrome, which is on the autism spectrum.

First, I'd like to tell you a little bit about the Autism Society. I'll also refer to it as ASO. We seek to provide information and education. We support research and we advocate for programs and services for the autism community. Our vision is acceptance and opportunities for all individuals with autism spectrum disorders.

A little bit about autism spectrum disorders, if it's new to people: It's diagnostically called pervasive developmental disorders, also known as PDD; that might be familiar to you. It includes autism, Asperger's syndrome, PDD-NOS, Rett's and childhood disintegrative disorder. Generally, the popular term used the most is ASD, and that's what I'll use.

Why is ASD important to Ontarians? Autism spectrum disorders are not rare any more. It's estimated that between 20,000 and 70,000 people in Ontario today have some form of ASD. It's one of the most common developmental disabilities, with prevalence as high as 1 in 165 people, and unfortunately the number being diagnosed continues to increase dramatically.

ASD, as other people have said, is one of those hidden disabilities. There's not really a physical distinction with people who have it. All people with ASD have great difficulties with social interaction and communication skills, and—this is a really key fact—within autism spectrum disorder there's a wide range of ability levels among people, but about one-third are non-verbal. The communication challenges of the whole population can range from mild to severe, and there's oftentimes cognitive impairment. They need a voice, and we have to be their voice.

Regardless of the functioning level of people with autism spectrum disorder, they face significant attitudinal barriers to participating in life in Ontario. Things that other people take for granted remain elusive to many people with ASD, such as appropriate education, employment, leisure activities or supported or independent housing.

It is the view of Autism Society Ontario that much of the current legislation does not adequately address the needs of people with ASD. How will the ODA make a meaningful difference in the lives of people with ASD? Overwhelmingly, the ODA addresses barriers in terms of physical barriers, but there's little emphasis on the types of attitudinal barriers and policy barriers that constrict the lives of people with ASD. The ODA has to be more than what is seen by the general public. It needs to be broader. In order to make Ontario a barrier-free place for persons with ASD, changes need to be made to government policy in four key areas, we believe: housing, day programs, the ODSP and education.

Currently, there's a waiting list for many years to access residential services across the province of Ontario. Fortunately, people aren't being institutionalized the way they were in the past, but many adults remain in crisis at their family homes for years. The majority of people with ASD are unable to live independently.

There are examples of Ontario excellence in residential supports for adults with ASD. Woodview Manor in Hamilton; Kerry's Place Autism Services across the province in some regions of Ontario; certain placements with Community Living Ontario. Some families are creatively supporting their adults with individualized funding. In our area, there are the St. Francis Advocates and L'Arche in London. But there clearly needs to be a range of housing and residential service options for adults with ASD, based on the wide range of functioning level that you find, so that they can participate in the community.

The second area is day programs. Right now, after 21, students are obligated to leave school and many people with ASD cannot function in full- or part-time employment. They need day programs to participate and have a meaningful life. Oftentimes they are stuck at home, they're socially isolated, they have limited financial support and limited availability of trained people who can help them participate in the community, and limited access to activities that fit with the skills they have to participate. Government policy must not fail to provide

adequate funding for community support agencies. Unfortunately, many provide services only for clients who are receiving residential services, and there's such a long waiting list for that. So people can't get residential service or day service.

The policies of some community agencies unfortunately may discriminate against people with severe autism. Those who require higher levels of assistance or with behavioural problems are often barred from attending programs. In London, there are few programs and those available are not offered for a long enough time period. Also, oftentimes parents have to pay for the program or you have to pay for the support person to help the individual in the program. People with ASD oftentimes just don't fit with existing programs.

Programs are also being denied to the higher functioning people with ASD, the people with Asperger's syndrome, because today there seems to be a real intellectual disability focus, and the folks with Asperger's syndrome, although they have a pervasive developmental disorder, are cognitively very highly functioning and they're not being allowed to participate in things like special services at home and getting the support they need to be successful, and these folks can be very successful. There is definitely a need for a new support agency in this community that can provide comprehensive services to adults with ASD.

The third area is the ODSP. The level of financial support received through ODSP has not changed substantially in 10 years, and this has increased financial hardship for persons dependent on this funding and has created barriers to participation in community activities for people with ASD. Also, the policy of decreasing ODSP payments as earned income increases really penalizes people with ASD who want to work, but who are unable to work full time or at jobs that provide adequately for their needs.

The ODA could recommend guidelines and procedures for ODSP that would make it more meaningful for adults with ASD. The ODA could work to alleviate these problems by helping companies understand about invisible disabilities and helping people with ASD understand their own rights in terms of employment, helping with job interviews and assistance in job coaching, especially with the high-functioning individuals who have real social challenges. That's the one barrier they have. There is one really good example in the Toronto area called Mission Possible, which specializes in helping people with ASD in this area.

The fourth and last area is education. The Education Act guarantees special education students the right to free and appropriate education, yet many are not receiving the appropriate services and programs. ASO's submission to the Ontario Human Rights Commission on education in October 2003 identified four major barriers to appropriate special education. They were: The appeal process presents a significant barrier to appropriate special education programs and services; the lack of knowledge of the disability and the lack of specific training on how

to work with and teach students with ASD is another barrier; the funding formula discriminates against students with ASD; and the last one is enforced short- and long-term absence from school for many students with ASD, creating a real barrier to education because of behaviours that are not within the individual's control.

ASO recommends four key solutions to these barriers. The Ministry of Education and school boards must operate under the statutes, regulations and codes that are meant to protect Ontarians with disabilities. In the event of non-compliance, parents must have a meaningful recourse to a remedy, a timely and just process that will ensure the students' progression through the system. The legislation and subsequent regulations of the Education Act must adhere to the principles of accessibility for disabled students, and boards should be offering full ranges of placement options and ongoing and continuous assessment should be happening, along with other specialized programs.

**1640**

Finally, the Ministry of Education must fund special education to a level such that school boards can provide students with ASD with the services and supports they require in order to have equal access to education. To remove barriers for students with ASD within the education system, the ODA must make the removal of barriers mandatory. This must apply not only to barriers that limit physical access, but limited access to appropriate education because of attitudinal barriers, communication barriers, accommodation policies and funding policies of both the government and school boards must be addressed.

**The Chair:** Thank you very much. We have one minute each, and we'll start out with Mr. Marchese.

**Mr. Marchese:** Thank you, Patricia, for your presentation. We've heard a number of other presentations that speak to the same problem. Autism is a disability and it doesn't fit in here; it's not there. How do you create a bill that speaks to issues of disabilities and then excludes certain things? The way to possibly build it in is to create an education standards development committee that would have the broad scope of looking at all those problems, in which case you would then identify what the problems are and how to fund and support them. My suspicion is that they won't do that, and they have no interest in doing that. I haven't heard one member talk to this yet. They might, but I haven't heard one member speak to this problem.

At the moment, people with autism face problems of housing, income support, day programs and education problems, including funding around finding the support before age 6 and finding the needed support that we hoped this government was going to give for after age 6. So we've got a problem. I hope they will include a standards development committee on education that will reach people with autism.

**Mr. Ramal:** It's nice to see you again. I know that, as Mr. Marchese spoke about, we've been listening to the same issue over and over. I understand it's a very



complex issue and I know this bill doesn't speak about it. It mainly speaks about mobility, and also that the standard has not been developed yet in order to define which area we can be concerned with and focus on. I know you're concerned, and I've been talking to a few colleagues and people who have been advocating on behalf of autistic people in this province and, hopefully, we'll find a solution to it and both sides will be happy.

**The Chair:** Ms. Wynne, just quickly, though, before I go to Mr. Jackson.

**Ms. Wynne:** I just wanted to note that there's a real interaction between this discussion and the special education discussion that goes on within the boards. One of the things that interests me is the relationship between the special education plans that the boards have in place and any standards that would come out of this exercise. I understand Mr. Marchese's question about the education sector, but education is certainly part of this exercise. So I think we have to work with you to figure out the relationship between those two areas.

**Ms. Gallin:** We'd love to work with you.

**Mr. Jackson:** Patricia, thank you for being here. Is it safe to say that you're trying to convey to us that you're not as concerned about setting these provincial standards; you're more concerned about the fact that the government today in Ontario acknowledges that your child suffers from a disability if he or she has autism, if it's an infant or up until they turn age 6, and that therefore they have certain rights in this province that would be protected under an ODA or an AODA, that they would get services—we know them as intensive behavioural intervention. I think it's disconcerting that this is one of the rare cases where a disability seems to stop at a certain age. I've never experienced before, in my years of public service, that all of a sudden, magically, at an age your handicap evaporates. So perhaps you might share with the committee if you have a concern with the fact that now you've got a minister saying that a child has a bona fide disability and therefore should receive support, but then at this age either they (a) no longer have a disability, or (b) programs are no longer relevant. That's the part I'm struggling with, in the way autism is not being dealt with fairly in this bill.

**Ms. Gallin:** We feel that autism should be dealt with based on need, not based on age. It's the need of the individual. IBI benefits 25% of the population that has ASD. There are a lot of other people. It's a spectrum disorder. It affects a broad number of people. So it should be based on the need of the individual.

**The Chair:** Thank you, Mr. Jackson.

**Mr. Parsons:** On a point of order, Mr. Chair: To correct the record, Mr. Jackson stated that this policy was set by our government. I believe it was in fact set by his government, which limited services at age 6.

**The Chair:** Thank you, but it's not—

**Mr. Jackson:** On a point of order, Mr. Chair.

**The Chair:** Well, OK. These are not points of order, but I will allow you the same time as Mr. Parsons had.

**Mr. Jackson:** As all cases were evolving, we didn't promise that this service would be available. It was the Liberals who broke their promise to the autistic families in this province, and that's the issue here.

**The Chair:** I appreciate that we were—

**Mr. Marchese:** They're both wrong.

**The Chair:** Both points are out of order. But I do appreciate that you want to clarify or clear the record, and that's fine. We did it. Can we move on to the next presentation, please?

KATHY LEWIS

BRUCE RITCHIE

**The Chair:** The next one will be Kathy Lewis and Bruce Ritchie, I believe. Welcome. You can start your presentation any time. Please proceed, Ms. Lewis.

**Ms. Kathy Lewis:** Good afternoon. You have two handouts from us. We'll be starting with this one.

**The Chair:** Yes. They are being given to us right now.

**Ms. Lewis:** My name is Kathy Lewis. I'm a member of the London accessibility advisory committee and of the Ontarians with Disabilities Act Committee. But I'm here today as an individual and as a parent to speak to you about how Bill 118 can address the very serious issue of fetal alcohol spectrum disorder. I'm just going to very quickly go through my recommendations that address the bill and then I'm going to turn it over to Bruce Ritchie, who's really the expert on FASD here. I've just highlighted my recommendations to you for the bill.

First of all, under "Interpretation" in the bill, your definitions of disabilities are kind of mixed. Some of them are specific and some are very general. We recommend that fetal alcohol spectrum disorder be named specifically under the definition of "disabilities."

The second thing I'd like to look at is under "Accessibility Standards" in part III of the bill, under "Classes." We recommend that fetal alcohol spectrum disorder be assigned a specific class designation. Under contents of standards, because of the vast and unique numbers of barriers that face individuals with fetal alcohol spectrum disorder, we contend that specific measures, policies and practices for the removal of this cross-section of barriers must be set down to remove and prevent barriers to those with FASD. Therefore, our recommendation is that specific measures, policies and practices be set down to remove and prevent barriers to those with fetal alcohol spectrum disorder.

1650

Under "Standards Development Process," the heading "Consultation with ministries": All areas such as health care, education, income supports, youth, community and social services, housing and justice must work co-operatively to prevent fetal alcohol spectrum disorder from developing initially, as well as identifying, removing and preventing barriers to those already affected.

Therefore, we recommend that all relevant ministries pledge to work co-operatively toward the goals as outlined by ourselves and the Canadian Paediatric Society.

Under subsection 8(4), "Composition of standards development committee," we recommend:

That an expert in the field of fetal alcohol spectrum disorder be invited by the minister to participate as a member of a standards development committee; and

That special consideration be given to an invitation to an additional fetal alcohol spectrum disorder expert from the aboriginal community.

I'll turn our discussion over to Bruce Ritchie.

**Mr. Bruce Ritchie:** Actually, I have the task of condensing 103,000 documents and letters in the FASlink archives and the issues of more than 400,000 people who use our services annually into a 10-minute presentation. I don't know if we can do that, but we're going to try.

**The Chair:** OK. Thank you.

**Mr. Ritchie:** I would like to congratulate Mr. Parsons on Sandy's Law being implemented. Thank God it's there. Your work has been fantastic. I'm delighted to see that.

An individual's place and success in society is almost entirely determined by neurological functioning. A neurologically injured child is unable to meet the expectations of parents, family, peers, school and career, and can endure a lifetime of failures. The largest cause of neurological damage in children is prenatal exposure to alcohol. These children grow up to become adults. Often the neurological damage goes undiagnosed but not unpunished.

Fetal alcohol spectrum disorders are caused when a pregnant woman consumes alcohol. It is 100% preventable. The Statistics Canada Canadian community health survey in 2000-01 found that roughly 20%—over 19%—of girls ages 12 to 34 consumed five or more drinks on each occasion, 12 or more times a year. In addition, another 32% of girls ages 15 to 34 consumed five or more drinks on each occasion, one to 11 times per year. Five drinks for a 100-pound girl causes a 0.25 blood-alcohol level. That's three times the legal limit; 0.30 usually gets somebody into the intensive care unit. Most girls are two to three months pregnant before they find out, and it is likely that at least 20% of the children in this province are exposed prenatally to multiple binges of alcohol. Even low levels of consumption, as low as one drink per week, have been shown to be adversely related to child behaviour. There is no known safe level of alcohol consumption during pregnancy.

If you will turn to page 3 of the presentation, I'm not going to go over that in any kind of detail, but I would like you to refer to it after, when you have a few minutes. There are 66 items there that are the results of prenatal alcohol exposure, that they can include. They vary depending on the birth mother's age, health, somewhat on genetics, nutritional standards, the amount she was drinking, what the peak blood-alcohols were at what time when what part of the baby was developing.

If you turn over to page 4, you'll find a chart showing the effects of alcohol as a teratogen on the baby. Those are the various aspects of the child that are developing throughout pregnancy. The very dark line in your copy shows where the most danger occurs to the various things such as the brain, etc. Really, the brain is developing from the third week, from just after the second week right through to birth. Alcohol can affect a child even when it's being nursed, after it's been born.

The lower picture on that page, of course, is of two brains, one from a normal six-week-old baby and the other from an FAS child, who obviously passed away.

FASD is grossly under-reported. The Canadian Paediatric Society states, "Fetal alcohol syndrome is a common yet under-recognized condition resulting from maternal consumption of alcohol during pregnancy."

The only problem in this province is that Ontario medical schools do not provide FASD diagnostic training to undergraduate physicians in this province. This results in the denial of screening and diagnostic services to thousands of children with FAS-related disabilities. It's grossly under-recognized because the doctors don't know how to diagnose it and they're not being taught by medical schools—unless they specialize in addictions, and then the diagnoses can be taught.

The girls get knocked up and the boys get locked up. They are followers, easily misled, with little or no appreciation of consequences. Without intervention, many ride the justice system merry-go-round or become homeless street people. A great many of our street people are FASD. They are required to compete in society but have been denied the tools to do so.

Of FAE individuals, 95% will have mental health problems; 60% will have disrupted school experience; 60% will experience trouble with the law; 55% will be confined in prison, a drug or alcohol treatment centre or a mental institution; 52% will exhibit inappropriate sexual behaviour; more than 50% of males and 70% of females will have alcohol and drug problems themselves; 82% will not be able to live independently; and 70% will have problems with employment.

Essentially we have 20% of our children being exposed to high levels of alcohol. When I look at the statistics for a major board of education, the Lambton-Kent District School Board, which is pretty typical, 21% of our students are identified and receiving services from the special-needs department.

The Canadian centre on children's research says that 20% of Canadian children have a serious mental health problem. This 20% number keeps on coming up magically, and it seems to correspond with the volume of alcohol that's being consumed during pregnancy.

Getting to youth in care: Today, a very large percentage of the children in CASs have been prenatally exposed to alcohol and it is a problem to try and get them adopted. We do need a system of open adoption in this province instead of closed adoptions. I have mentioned to others that some agencies have been known to threaten termination of a foster contract if the foster parents go to



a non-agency doctor and obtain a diagnosis of FASD. You see, without a diagnosis, they don't have to disclose that the child has FASD. That's criminal, in my opinion.

Our children have disabilities, but their biggest handicaps are the battles we have to continue to fight to get the services they need.

I would like to see the grade 10 literacy test scrapped completely, or at least our FASD children given an exemption, because our FASD children very often have difficulty passing it. Essentially what happens then is that you are setting up a 25% failure rate and a 25% dropout rate after grade 10, fodder for the justice system, a new slave class and increased stress on the social support systems in this country. It is access denial of the worst type, denial of access to a decent future, because these kids can't even get into apprenticeship programs later on to learn to be mechanics. They may not be able to write a great essay, but they may be able to strip an engine and put it back together better than you or I can. Why would you require that they do this? It makes as much sense as asking somebody who's a quadriplegic to do the pole vault to pass high school. It's just plain stupid.

Homelessness: Poor impulse control, failure to predict consequences and inability to plan or manage money means they don't pay the rent or utilities and they get turfed out on to the street and are homeless. It leads to evictions.

It costs \$120,000 a year to house a young offender and \$82,000 for an adult offender. Some 60% to 80% of our prisoners are FASD and fully diagnosable.

1700

I'm going to jump over to one little comment I make a little further on—I'm not sure it's in your copies—but a single adult, disabled, in Ontario gets \$11,160 a year maximum. If they are living with their parents, it's cut by 24%. That's criminal. But let's really get something straight here: If they live in poverty-stricken isolation on ODSP, the government will give them between \$8,500 and \$11,000 a year. If they throw a brick through a store window, the government will spend \$82,000 a year to jail them and provide shelter, food, clothing, recreation, education, medical services, companionship, and the certainty that they will be taken care of. Frankly, as a parent and taxpayer, I find that logic appalling, degrading and disgusting, and I hope you do too.

My final comment is that where services are lacking, omitted or not available, our children, whatever their ages, die: frozen in a snowbank, through suicide, through drug overdosing and complications, by being on the street.

That's it.

**The Chair:** Thank you. One minute each, please.

**Mr. Parsons:** It's a difficult topic. Our son died a year ago Saturday from FAS. As the brain is malformed intellectually, the blood vessels within it are malformed. He left us.

FAS individuals die young, whether it be from defects or suicide, or we lock them up. We struggle to find a cure for cancer, for heart disease, and we have the cure for

FAS: Don't drink while you're pregnant. It's as simple as that.

I don't have a question. I want to applaud you. I absolutely applaud you for what you're doing. Twenty years ago, FAS wasn't known. These were "bad" kids. Now we know that we have to change, to accept the way they are and to work with them. The more publicity, the better. I just thank you. If there's anything I can ever do to help, I would be delighted.

**Mr. Ritchie:** Thank you so much.

**The Chair:** Mr. Jackson, any comments?

**Mr. Jackson:** Mr. Chairman, I have known Bruce for a while, and I would like to yield my minute for him to add some more for the record.

**The Chair:** OK. Let me allow Mr. Marchese; then he can finish—

**Mr. Jackson:** No, I'm giving him my minute.

**The Chair:** I realize that. That's fine. I thought maybe he would want to summarize after the questions, in case there is some—

**Mr. Jackson:** No, I'm pleased to give Bruce another minute.

**Mr. Ritchie:** Thank you. I appreciate that.

In the justice system, we spend \$12 billion annually. The alcohol industry contributes \$3.2 billion annually. Half of the justice budget is related to alcohol issues, whether it's FAS or car accidents or whatever. But it's more than half of the justice budget alone. That's \$6 billion, and the alcohol industry is only contributing \$3.2 billion.

Well, you know, if you want to play, you gotta pay, so maybe they should be paying the full shot and that money should be coming back to the people they are affecting, quite frankly, because none of the money is coming to the grassroots, none of the money is actually getting to the people who are dealing with this face to face on a day-to-day basis. We need your help.

**Mr. Marchese:** I just want to congratulate the both of you for giving us this information. I learned it while we were dealing with Ernie's bill. It's incredible how much of this behaviour we do not understand in the educational system. I learned through that committee process that doctors don't know how to identify it, generally speaking. Special-education teachers certainly don't know how to identify it, and regular teachers don't. I learned that those kids who have fetal alcohol spectrum disorder can't explain why they do what they do. So if that's the case, what do we do?

All I want to say is that this issue doesn't fall into this bill, but it could if we found a way to build it in, and I hope we find a way to do that.

**Mr. Ritchie:** It honestly does fall into the bill, because you can make FASD a listed disability in there, along with diabetes—

**Mr. Marchese:** It's the same with autism; it doesn't fit. I hope it does. But it can; I agree with you.

**Mr. Ritchie:** Well, then let's hope in heaven's name you will actually do it.

**The Chair:** We thank you very much for your presentation. We'll move on to the next one, but thanks again.

#### BUSINESS AND PROFESSIONAL WOMEN'S CLUBS OF ONTARIO

**The Chair:** The next presentation is the Business and Professional Women's Clubs of Ontario, Sheila Crook, president. You can start at any time, please.

**Ms. Sheila Crook:** Thank you very much. I'm Sheila Crook, the president of BPW Ontario. Joining me today is Doris Hall, past president of BPW Ontario. That's the Business and Professional Women's Clubs of Ontario. We are one of eight provincial organizations belonging to BPW Canada. BPW Canada is a non-profit, non-sectarian, apolitical organization incorporated in June 1930. It is also a member of the International Federation of Business and Professional Women's Clubs, representing clubs in over 100 countries around the world. For 75 years, BPW has worked to improve the status of working women in Canada.

Our mandate is to improve the economic, employment and social conditions for women. We stimulate interest in federal, provincial and municipal affairs, encourage women to participate in the business of government at all levels, and assist young girls and women to acquire education and prepare for employment.

Members in the 26 BPW Ontario clubs meet annually to discuss and debate resolutions affecting the economic, employment and social conditions for working women. The policy statement and resolutions presented in this brief are taken directly from resolutions passed at previous provincial conferences, and they are referenced in appendix A.

Across the past few decades, BPW Ontario has presented to previous provincial governments on a range of policy topics, including assisting Ontarians with disabilities. The purpose of this brief is to respond to the current debate on Bill 118 and to offer recommendations to remove barriers for disabled women and for women caring for disabled dependants.

Our policy statement indicates that women who are disabled and/or who care for disabled dependants need full access to work, child care, shelters in violent family situations, and to attend appointments, shop and generally be granted the freedom to move in a barrier-free society. Government buildings, public premises, companies and organizations need to be accessible to the disabled. Legislation must ensure that these existing barriers are removed in order to achieve full accessibility to all public places. Regulations with strict time frames for compliance and appropriate deterrents for those who do not comply need to be enforced.

The definition of disability provided by the International Classification of Functioning of the World Health Organization is "the relationship between body structure and functions, daily activity and social participation, while recognizing environmental factors." For

disabled women and women with disabled dependants to be full participants in all aspects of society, all barriers to environments that hinder their daily ability to access necessities need to be removed.

In 2001, there were 3.4 million Canadians with some level of disability. These disabilities include the use of supportive aids such as wheelchairs, hand or arm supports, hearing aids or Braille devices to meet their daily living requirements. And this is a classification and a status that any one of us could find ourselves in in a split second. In Ontario, there are approximately 1.4 million disabled adults. Of these, 56% are female and 43% are male. Of the 67,000 disabled children in Ontario, 73% of their families who report coping with severe disabilities experience an adverse effect on their employment.

Persons with disabilities face economic hardships in their daily lives, with most living under the poverty line. Women coping with disabilities are more adversely affected, as they typically earn less than men and often work in part-time employment with limited or no disability/health care benefits. Such women are more likely to live with an increased burden, especially if they are a single parent and have a dependent child or family member with a disability, or of course if they themselves are disabled. Women carry a disproportionate burden associated with being a lone parent. In 2001, women were the lone parent in 1,072,000 families, compared to a total 1,280,000 single-parent families. So many more women are the lone parent in single-parent families.

Doris will continue.

1710

**Ms. Doris Hall:** Women and poverty: In 2002, Statistics Canada reported that out of 18 million wage earners, only 382,000 were women who worked full-time, compared to 526,000 full-time male wage earners. Average earnings for women in 2002 were 65.2% of men's income.

**Education, training and work:** For women to be able to sustain themselves, they must be able to access their workplace, education and community programs. Most of these environments are within the scope of the public domain. The ability to enter and exit a building and to manoeuvre and access classrooms, libraries and technology can enhance a person's ability to progress in life. To improve their economic status, women with disabilities and women caring for disabled children need to have access to post-secondary education. Colleges, universities, adult learning centres, government programs and private institutions need to be fully accessible.

**Goods, services and housing:** Since 1975, the Ontario building code has made a difference in building construction, requiring that buildings have a minimum standard of disabled accessibility as stated in regulation 403/97, part 3, section 3.8, barrier-free design. For buildings that are currently standing, providers of goods, services and facilities for the public should ensure that their product and facilities are fully accessible to persons with disabilities. Legislation is needed to ensure that detailed plans are implemented to remove existing



barriers within legislated timetables. In addition, prompt and effective processes need to be put in place to enforce the legislation.

To assist businesses in removing barriers, tax incentives could be provided as a reward to meeting the requirements within established timelines. Tax incentives could also be provided to persons with disabilities who have had to use private dollars to renovate their homes or apartments. Municipal, provincial and national governments need to work together to provide social housing for low-income individuals. Any building being newly built or retrofitted should require a number of units designated for disabled living quarters.

**Shelters for disabled women:** When women make the decision to leave their home due to an abusive situation, they need to know that a shelter can accommodate their needs. Adequate funding for emergency shelters is necessary so that upgrading these facilities can accommodate persons with disabilities. A minimum of one shelter in a designated area, based upon population, should be equipped to handle any women with disabilities or their children with disabilities. Access to health care, attendant support and/or equipment must also be available to support women with disabilities or their disabled children when they are admitted to a shelter. Second-stage housing that is affordable and safe with appropriate accommodations for disabled women and their children also needs to be available once they leave the shelter.

**Recommendations that we are making to Bill 118:**

Bill 118 supplies a deadline to develop standards to achieve accessibility for Ontarians by January 1, 2025. It would seem that 20 years is an excessive amount of time to implement these changes. As each day passes, many Ontarians continue to struggle with access to goods and services that the rest of us take for granted. We encourage the government of Ontario to consider moving the completion date to within the next 10 years.

Provide tax incentives to encourage businesses to change or retrofit their places to accommodate disabled patrons or clients.

Make the Accessibility for Ontarians with Disabilities Act supersede all other legislation and regulations which conflict with it or provide lesser protection and entitlement to those with disabilities.

Streamline the process so that the legislation currently proposed will call on the standards development committee to report to the minister and associated ministries as to the accessibility standard. The minister can then propose the necessary legislation to implement what is necessary to prevent barriers in society, provide times for compliance, and enforce stiff fines for those who will not adhere to an inspectors' orders.

The Accessibility Directorate of Ontario should hold the power to enforce, inspect, report and make recommendations to the minister under the Accessibility for Ontarians with Disabilities Act. The Accessibility Standards Advisory Council defined in the current bill should be comprised of various individuals from across all parts of the province, including industry, sectors of the

economy or organizations. Disabled representatives should report to the directorate.

**Ms. Crook:** In closing, removing the barriers for the 1.4 million people in Ontario with disabilities is an important step for the province of Ontario. The NDP made a concerted effort in 1996 to implement the Ontarians with Disabilities Act. The Conservatives tried again in 1998. All parties supported a resolution that received unanimous passage on November 23, 1999, and yet, four years later, we still do not have this act.

Bill 118 will put the province on the right track to ensure that appropriate time frames, fines, enforcement and management can ensure environments that will accommodate and assist the disabled. We need to move faster and use the knowledge and technology available to assist and establish solid legislation that will ensure that governments, companies, public buildings and organizations are fully accessible. To wait another 20 years will certainly cause another generation to miss out on what they deserve.

We urge the government to take the necessary steps to create a society that truly supports and engages disabled individuals for full participation in all aspects of society. Only strong determination and resolve will make the difference.

**The Chair:** Thank you for your presentation. There is no time for questions.

We will be moving to the next presentation, which is from Jan Schneider. Is Jan Schneider present?

If they are not in the room, we will go to the next one, which is the Canadian Hearing Society of London. Is anyone here?

**Mr. Jackson:** If I could just clarify for the deputants who were just before us from the Business and Professional Women's Club—I'm going to give them a copy of Bill 125, the Ontarians with Disabilities Act. It has somehow escaped their research, but we have had an act in the province for four years. I will give them a copy, and I'm sure they'll share that with their members. I just wanted to help them correct the record.

**The Chair:** The record has been put in order; thank you.

#### CANADIAN HEARING SOCIETY, LONDON

**The Chair:** Now we can move to the next presentation. Please proceed whenever you're ready. There's 15 minutes.

**Ms. Marilyn Reid:** I'm Marilyn Reid from the Canadian Hearing Society. Sandra Adams is my colleague at the Canadian Hearing Society and will be co-presenting with me.

It has been a long day, I know, for all of you. I want to thank you; I know you've heard a lot of comments from a lot of people, so we'll try to keep our comments fairly to the point. We appreciate your interest and your commitment to this process. I've been here for part of the day, and I just realized that you guys have been sitting there all day and you still have another hour and a half to go.

We really do appreciate your commitment to this whole process.

CHS, the Canadian Hearing Society, is pleased that the government is moving forward with Bill 118. CHS is also a member of the Ontarians with Disabilities Act Committee, and I'm sure you've heard that name more than once today. As such, we do support that committee's submission regarding Bill 118 and the issues and concerns that are raised in their submission. I know that you've heard these concerns a number of times today. I just want to mention a couple of key points again to emphasize the importance of some of these issues.

We have concerns regarding the time frame—I know people have spoken of this many times today; the need for an effective enforcement mechanism; the need for quality assurance in the development of accommodation measures and standards—and we will be talking a little bit about that; the need to have funding to develop systems to monitor and enforce the legislation. I think these are some real key points that the ODA Committee submission addresses, and we certainly wanted to emphasize that.

1720

In terms of the submission we've submitted to you today and our presentation and comments today, basically we're going to focus on a couple of key issues that really relate very specifically to deaf, deafened and hard-of-hearing individuals. Just to put our comments in perspective, it is important to note that one in four Canadian adults report having a hearing loss. We're talking about a quarter of the population being affected, so certainly a very significant number of people who are impacted.

One of the issues we wanted to raise today was around the fact that Bill 118 really emphasizes access a lot in terms of building design and transportation. We wanted to point out, as did one of the earlier presenters today, Lorin MacDonald, that for deaf, deafened and hard-of-hearing consumers, access means a lot more than just building design, and often their needs are not identified or addressed.

Interestingly, earlier today when I was here, a gentleman asked the question, "How many of your offices are accessible?" I noticed a number of you nodding your heads, going "Yeah, yeah," yet I wonder how many of them are fully accessible: Do you all have TTY? Do you have FM systems for hard-of-hearing clients or volume-control phones if somebody needs to use your phone? I'm pleased to hear those affirmative answers. That's very encouraging, and I hope that is representative of all, but I think it also points out that a lot of times we forget to look at what the big picture of access means. For people with a hearing loss, access means provision of other accommodations, such as FM systems, visual announcement systems, visual smoke detectors, access to TTYs, amplified phones and visual alerting systems.

For example, you're holding your meeting at this site and I'm sure, given the nature of what this meeting is all about, that every effort was made to ensure that this was

a really accessible location. Yet when I look around, I haven't seen any visual smoke detectors. That's one of those little things that oftentimes gets overlooked. You are to be congratulated, though, for ensuring that communication is very accessible at this meeting, as I know Lorin pointed out earlier: having the real-time captioning and the sign-language interpreters. It's fabulous that the meeting is accessible.

One of the things we need to look at, though, is these access providers and looking at the standards and qualifications of these access providers. It's not only the interpreters and the real-time captioners but also interveners and computer note-takers. We need to ensure that consumers can be assured of a quality level of access. As such, there are not now standards in place for all those access providers. That is something this bill needs to look at having in place: the standards for all those access providers. Just as we have strict guidelines and standards around building a ramp, we also need to have those strict guidelines around people who are providing access.

I don't know if you are aware of another problem in terms of access providers, that is, the lack thereof. There are simply not enough interpreters or captioners to go around. We have no real-time captioners here in London. I notice that you've arranged to have the real-time captioning done remotely from Toronto. That's fabulous, and isn't technology wonderful that we can do that? But there is a real lack of people out there to provide these access services. That's not only right now, but my concern is that with the passing of Bill 118 there is going to be increased demand. If we're not able to meet that demand, then there are still barriers in place. So that's another issue that we feel Bill 118 really needs to look at: how we can expand that pool of individuals who provide that access.

At this point, I'm going to hand it over to Sandra, who is going to talk about some other issues.

**Ms. Sandra Adams (Interpretation):** Just before I make some comments and suggestions that I would like to bring here, I want to say thank you for the three interpreters and the real-time captioning that you have in place. I really appreciate that.

Thanks to the accessibility advisory committee here in London, we now have TTY at the front desk of city hall for deaf, deafened and hard-of-hearing people to use, so we really appreciate that step that's been taken.

Deaf, deafened and hard-of-hearing people have an invisible disability. You can't see by looking at us that we have the disability. We tend to be forgotten, or people are just not recognizing us as deaf people.

I'll give you a story as an example. Perhaps you remember August 2003, when we had the power outage across the province. There were many deaf people who didn't know what was going on. We are always the last to know what the problem is, because we have no notification system. In apartment buildings, condominiums and other kinds of residences, to access the building, you push a speaker phone and talk to the person and then get let in, but for us, we have no way of doing that,



whether we live there or are identifying ourselves as a visitor. There are not very many buildings that have a visual access code capability.

One thing I will say is that the Via Rail station in London, having been rebuilt, has a TTY phone booth. I'd like to see that happening in lots of other places, everywhere I go.

Also, I don't know if you're aware that most property managers and service providers in Ontario buildings tend not to be particularly sensitive to meeting the needs of deaf, deafened and hard-of-hearing people. Also, there is not enough provision of access, meaning technology, in public places, in office buildings and businesses and clinics. There's just not enough visual access. If you notice here, the committee members said yes to being accessible, but there are lots and lots of people out there who don't know what access means.

Accessibility is most important for safety reasons, for the ability to live independently and to include me as a citizen of Ontario. It's also important to include visual technical devices, in that we can alert deaf people to a variety of things that are going on: text e-mail pagers, public announcements in public places, TTYs, amplified phones or FM systems, visual fire and smoke alarms, so that we're visually alerted.

I also suggest that Bill 118 needs some improvements in that it needs to have stronger and clearer information to meet the needs of each disability group, in particular deaf, deafened and hard-of-hearing people.

The more education we provide, the more exposure the public gets. We need a stronger mention of education so that we are out there educating the public. The more the public becomes aware, the more the barriers of language, communication and attitude will be broken down.

To wrap up, I'd say that we at the Canadian Hearing Society support Bill 118. We do have some concerns, however. We would like to see it improved and strengthened. Thank you for your time.

**The Chair:** There are three minutes left, so we'll start with Mr. Jackson.

**Mr. Jackson:** Thank you very much for being here. We've had several presentations from the Canadian Hearing Society, and in particular Gary Malkowski. Where would you have us begin investing more money to assist the deaf community? What would your first priority be for us as politicians to recommend in this legislation?

**Ms. Reid:** That's a good question. I don't know that I've really thought. I guess we see such vast needs, I haven't even thought about where we'd prioritize them. It's hard to look at all of those needs and say, "This one over that one."

**Mr. Jackson:** I think that's part of the problem. I don't want to get into the debate about the 20 years. If anybody understands the enormity of the work ahead of us—that's why I try not to comment about the 20 years. However, if we have to road map our future for 20 years, then what do we want to see happen in the first five years? That's how I would look at that.

1730

I'm one of those MPPs, as has Mr. Parsons, who has spent the time to look at this, and we've got the modifications. I've had meetings with my constituents. I realize the difficulty for them to get access to supports, even for them to come to visit me and to speak. Now I go into their homes so I can at least give them more time to have access to their interpreter instead of wasting it on a bus trying to get to my office. It's little things like that.

You're right. You have an enormous amount ahead of you. Where would you help us set the priorities, in which programs, which supports? I will just put on the record, if you haven't seen it from the other day, Tuesday, the issue around Bill 4 and the regulations that were never implemented around Bill 4. We've undertaken to table those for you. Could you maybe try that question again?

**Ms. Reid:** I would just say that I think it's not fair for me to answer that question. I think it's a matter of consulting with consumers around what they feel. It's a bigger issue than I can answer in just a couple of minutes right here when you're looking at a game plan for a 20-year plan.

**Mr. Marchese:** Thank you both for your presentation. You've heard other presentations around autism and fetal alcohol syndrome, where they tend not to fit neatly into the accessibility/disability considerations, which you say Bill 118 places far too much emphasis on. I know you don't mean that negatively, but the point is that it places emphasis on that and not enough on other areas of disabilities. I think that's what you're saying, and I agree with that. We need to find a way, before this bill gets passed, of how we do that, otherwise many who are deaf and hard-of-hearing will be shut out again, and others too, who presented their area of disability that needs to be addressed. I hope we'll find a way to do that, otherwise they'll be shut out. That would be unfair.

**Mr. Parsons:** I appreciated the presentation. My wife is hearing-impaired, and the phrase that drives me crazy, when she doesn't hear something and says, "Pardon me?" is when people say, "Oh, never mind." "Oh, never mind" just makes me insane.

Parents in Ontario, in fact in Canada, have a choice of sending their children to one of the provincial schools or to a community school, but for post-secondary there isn't that choice within Canada, literally. Are there any suggestions? Is there a need for post-secondary programs devoted more to deaf, deafened and hearing-impaired individuals?

**Ms. Adams (Interpretation):** I'll start and perhaps Marilyn will add. Yes, it would be better if we had more options. It's very difficult for deaf people to get a job as it is. In today's market, with all the technology out there, that's a very important first step. Maybe you could add to that, Marilyn.

**Ms. Reid:** As Sandra can attest, she went to school in the States so she could attend specialized programs that were very specifically designed and accessible for people who are deaf. As somebody spoke to earlier, I think that's one of the problems with the fading out of the VRS

program. Now there are new obstacles to being able to access education programs that are most appropriate for an individual's needs.

**The Chair:** Thank you very much for your presentation.

Before we move to the next one, is Jan Schneider present? No.

JAMES HUNSBERGER

BRAD ULLNER

**The Chair:** We'll go to the next presentation, which is James Hunsberger. Sir, have a seat. You'll have 15 minutes. Whenever you're ready, you can start. When you start, please introduce yourselves for the record.

**Mr. James Hunsberger:** Thank you. I'm impressed with your tolerance and patience today listening to everybody. It's been a long day. I think you do a fantastic job.

**The Chair:** Thank you.

**Mr. Hunsberger:** I would like to introduce Brad Ullner and myself, James Hunsberger. Brad is the vice-chairman of the Grand River Accessibility Advisory Committee. I'm also a member of that committee. I'm also a board member of the Independent Living Centre in the Waterloo region. I'm a lifelong advocate for persons with disabilities. I'm proud of being 60 years of age, living with cerebral palsy for that length of time. I think I have a little bit of experience in dealing with disability.

I'm grateful for an opportunity to present to you, and I want to strongly affirm and support the efforts of the Ontario disability committee—I think David Lepofsky has just been a fantastic advocate—and your efforts to try to push this legislation on.

I want to speak from the heart about a few issues and concerns that are really dear to me. London, by the way, is a very special place for me. I actually worked in London for over 20 years. I know, coming down here today, I thought about the parallel transportation system that the city has. I went back more than 30 years ago. I remember walking into the London Transit Commission in 1972. I sat down with the general manager and we began to talk about a parallel transportation system. He leaned back in his chair and said, "I don't want to talk about that. It would be cheaper for us to buy a white Cadillac for every disabled person in London than to provide a parallel transportation system." I'm telling you this little story because the pulse behind the movement of disability rights legislation is the heartbeat of people with disabilities. I hope this legislation really takes that seriously. There's a need to detail meaningful ways, including financial remuneration, to engage and sustain people with disabilities' participation in the AODA.

When I read the act, I see that there is some involvement. I can see that there's invited involvement on the standards development committees. There's also the opportunity to provide input after standards are made

public. And of course, like Brad and I, we can become involved on the accessibility advisory committees.

But I think we have to go further to involve people. I've heard time and time again today the need to have advocacy built into this somehow. What better way than to encourage efforts in support of resources for locally based consumer and advocacy groups?

1740

I must be somewhat candid. I was here this morning for a bit. I heard the corporation of Kitchener make its presentation and I heard some very salient milestones that Kitchener arrived at, but I didn't hear anything about the grassroots, behind-the-scenes efforts that allowed Kitchener and Waterloo to take some of those progressive steps in 2000, 2001 and 2002. Let me tell you, both Brad and I were a vital part of that movement.

Two, I think we should enhance some interest and concern relating to the implementation and enforcement of the AODA through a formal complaints process. Three, I would like to see some furthering of participation through an independent review mechanism engaging people with disabilities to kind of watchdog compliance to the AODA and its accessibility standards.

I'd like to move on to my next point. I heard about the 20-year time frame this morning and this afternoon, and I think we have to take seriously the need to tighten the management of these time frames for standard development committees.

I have to get a bit of water here. I'm getting just a bit dry. Brad, is there something you might want to say here?

**Mr. Brad Ullner:** Actually, I've been really impressed in listening to the presentations through much of the day today. I think you're getting the opportunity to really get a grasp of (a) the diverse needs, but (b) also the very common sorts of barriers that we with disabilities all face, regardless of what our disability is. I spent some time a few years ago researching disability policies in different countries for a master's degree in political science and didn't find any magic country to recommend that everyone with disabilities move to, but I'm very thankful you are continuing to address these issues so that Ontario will move further along the spectrum toward equality for people with disabilities.

**Mr. Hunsberger:** I'd like to pick up on the time frame again. Let's look at the 20 years as the starting gate, and let's encourage and allow industries and sectors to develop quicker, if possible. Develop terms of reference outlining the length of appointments and reimbursement. Ensure that activity related to monitoring, evaluating and maintaining a database be instigated from the very beginning of the act's implementation. I think this is really crucial to the act. Instigating tightly managed timelines may allow for standards development and implementation to happen more quickly, say by 2020 instead of 2025, and more concentrated efforts should be directed toward the implementation of a working database, strong enforcement and a sound monitoring system toward the latter part of the 20-year time frame. I



know that monitoring is going to be very key, so maybe we can kick-start the standards development.

My next point is really important, I think: providing a rationale for the purpose of Bill 118, and making it viewed as legislation with a purpose to benefit all Canadians. Let's come through with a rationale for that. I think we have to be upfront and look at the AODA as a strong and responsible means to end once and for all systemic discrimination against persons with disabilities in Ontario. If that's in the act, you're going to have buy-ins by stakeholders ready to embrace that. In addition, they would see the AODA as a very timely and proactive bill which addresses the impact aging will have on each and every person residing in Ontario.

Aging is something we can't get away from. Disability is a challenge. Putting aging and disability together is something we have to learn to live with, and we're all in the same boat. I was born with a disability. For you, it might just take a few more years.

My next point is getting more into the service dog or the service animal concern. The AODA must take into account current and relevant Ontario laws such as the Blind Persons' Rights Act and the coverage of service animals in the Ontario Human Rights Code by defining and including service animals in its legislation. Service animals presently assist people who have a whole range of disabilities, including hearing impairments, mobility impairments, psychiatric disabilities and, in my case, issues relating to aging with a congenital disability.

At present, I carry documentation which states that I and Lady Cléo, number 2554, are graduates of Special Skills Dogs of Canada, a project of the Lions Foundation of Canada, and entitled to all privileges extended by the law to dog guide owners. However, I recommend that Bill 118 should provide the means for removing any barriers with respect to the use of service animals. I understand that working out these details will take some time and that the enactment of the AODA should not be delayed for this purpose. I therefore suggest that provisions be added to the AODA that, within one year, a definition will be made to include the use of service animals.

I would like to just add something else here. This act is entering into an area where the territory is changing day by day. It's a very dynamic area. Just the other day, as a board member, it was brought to my attention that a consumer trying to arrange attendant care services in their own home was impacted by the existing Employment Standards Act, part VII, section 18(1). It makes it very difficult for a person to turn to their next door neighbour, attending care work, to be put to bed at night. Say the person goes to bed at 10 o'clock, and if that person wants their next door neighbour to help them up in the morning, say at 8 o'clock, the neighbour can't do that, because the act requires that there be 11 consecutive hours of non-working between days. I realize that in the manufacturing industry, this has important legal implications, but when you take the same law and apply it to somebody trying to be innovative with their services in the neighbourhood, it works against them. So

it's a very complex area. Thank you for allowing me to be myself. I'm open to questions.

**The Chair:** Thank you very much. You have gone over your time, so there won't be time for questions.

1750

THOMAS NOBLE

**The Chair:** We will move on to the next presentation, from Thomas Noble. Good afternoon. You can start any time you wish.

**Mr. Thomas Noble:** My name is Thomas Noble. I live in Windsor, Ontario.

More than two million adults with disabilities need assistance with aids and devices; only two thirds of those have their needs met. That's the number one thing I wish to say.

**The Chair:** Move closer to the microphone, sir. Thanks very much.

**Mr. Noble:** There's something wrong here. There's something very wrong here, because people like myself need these devices, and we cannot access these devices.

My second thing is that WCB should be taking care of chronic pain syndrome, to help workers get on with their goals without depression, anxiety and suicide. I know what it's like. For 27 years I've been on workers' compensation and not on my own. I don't want to be on it, but it's happened in my life. They've just turned down my claim after 27 years, and I think that's very discriminatory.

In the US, where they have been forced to respond to demands for almost 50 years, there are hard numbers that prove that access pays off.

Thank you. Thomas Noble, injured worker.

**The Chair:** Do you want to take some questions now? Is there anything else you want to add to your presentation?

**Mr. Noble:** In the new buildings, the code should be up for disabilities.

**The Chair:** Thank you. Are there any questions? Yes, Mr. Parsons, please, we'll start with you. It will be at least three minutes each. There's even more than that.

**Mr. Parsons:** You mentioned that only two thirds of the needs are being met. I wonder if you could give me more detail.

**Mr. Noble:** Say there's a thousand of us, right? There are 700 who don't get the situation. The other—

**Mr. Parsons:** What kind of devices?

**Mr. Noble:** Chairs and canes, the stuff that they need to get along. Braces for their legs, back braces, hospital beds; devices that you need in the situation to be mobile. You cannot get that.

**The Chair:** Thank you very much for your presentation.

We will be moving to the next presentation. Is David Murray present in the room?

## J.J. AVERY

**The Chair:** How about J.J. Avery, barrister and solicitor? Is anyone here? There will be 15 minutes, madam, and you can start whenever you're ready, please.

**Ms. J.J. Avery:** I'm going to start by standing up. I want each one of the members of this committee to please look at me. I'm walking, and that's a miracle. I'm going to sit down and tell you why and why I've come today.

We are a very wealthy society. We are also well known throughout the world as a leader in advancing and addressing social issues. So while I am speaking to you today, I want you to purposefully resist a knee-jerk tendency to react with limits. I want to challenge you to think without boundaries, for there truly are no barriers that cannot be overcome. I am testimony to that.

I stood before you as a survivor by what has been described to me a true medical miracle, a survivor of not one but two farming accidents, either one of which could have resulted in a permanent disability or death. I farmed for 23 years, and then I became a statistic. I had a farming accident and then, two years later, another one. In the first one, I was crippled when I was violently knocked down by a very angry 250-pound ram. My spine was knocked out of alignment, crushing my sciatic nerve. It was excruciatingly painful and physically debilitating, a condition which severely limited my mobility and was inoperable; in other words, I faced the rest of my life dragging my left leg with the precarious possibility of severance of my spinal cord and prognosis of eventual wheelchair confinement. I cannot tell you how devastating that was, for I've always been very active and independent. For two years, I carried on as best I could. I kept farming with the help of family and friends.

This is where the miracle happened. I was doing whatever I could to help out with some fencing installation. The only thing I could do was hold the steel posts steady while someone with a posthole driver drove them into the ground. I was in a swamp area, and the posthole driver weighs about 40 pounds. When you drive it down, you have to lift it back up again. It came up off the post—the man lost control of it. It rose up in the air—I can still see it to this day—and landed squarely on the top of my head. When I woke up in the hospital, it had undone the damage that had been done before. The doctors told me they had no idea why I was still here. Well, I know why I was still here. I was meant to do something else with that knowledge.

My point here is twofold. Firstly, through personal experience I became acutely aware of disability challenges, especially the physical ones. Secondly, I vowed to tackle all the barriers whenever and however I could, and accessibility has become my quiet crusade.

One of the things I discovered, and one of the things that surprised me the most about my physical problem, was that during that time when I was physically dragging myself around, the physical became a perceived total disability. I was often treated as if I were mentally

challenged as well, as if I had no right to be there at all, no right to partake of any service or activity.

This is one small example: At one point, I entered a high-end retail store. As I dragged myself across the floor to look for some dress pants, I saw a clutch of salespersons eyeing me. One approached me smiling broadly and invited me to leave, saying: "There's a nice Salvation Army store down the road, dear. They look after you people. I'm sure we have nothing of interest for you here." Believe me, they didn't have anything; they still don't. I've never entered that store again.

But you know, the lesson was a deep one. The attitudes are the greatest barriers that we erect. They're the toughest challenge to undo. That's where the idea of advocacy comes in. I agree with my friend over here. The idea of advocacy in this bill is a necessity, not an add-on, not an afterthought. There has to be some form of open advocacy, and we need it not in 20 years; we need it now, upfront. Part of the addressing of the issues, part of making this bill work, will be active advocacy from the time it's proclaimed so that those live issues that are being dealt with daily become a part of the dialogue, not in some dusty five-year plan but right upfront.

**1800**

I'm going to suggest to you that there are a couple of things you can do right away to achieve some of this. We have to find ways of strengthening and expanding the bill to provide accessibility to services for everyone now—not in 20 years, not in five-year leaps forward, but right now. I challenge you at the committee to find mechanisms to find the internal barriers that already exist within government services today.

There are six law schools in this province and they're full of eager advocates-in-waiting. I know because I just graduated from one a year ago. That was the other achievement, and the barriers to that were incredible, because old people like me aren't supposed to go back to school. But that's a different issue.

You need reviews very quickly of hot spots for access. You need law students; they may be one resource that you haven't even thought about that can be tapped quickly to provide inexpensively a comb-through all of the legislation, regulations, procedures and policy manuals to identify and even offer suggestions for systems changes right now to eliminate some of the barriers that exist. Of course, there need to be more resources dedicated to actually addressing the discriminations now. I have a very good friend and colleague who practises in a wheelchair in Windsor. She can't even get into the courtrooms she's supposed to be practising in. There is one accessible doorway—that's it. There's nothing else. There are over 12 rooms she's supposed to be able to access. This woman, who has achieved great things and is now a solicitor and barrister in her own right, has to ask for help to open a door to get into a court to represent her clients. That's absurd. That should not exist even now.

There are many law schools in this province in partnership with Legal Aid Ontario that have student-run



legal clinics. Given the mandate, which they don't have right now, the law students in those clinics can help provide access into the administrative processes. I have to tell you, what you are designing in this bill is one of the biggest administrative merry-go-rounds that I've had a look at in a long time. A person with a disability trying to access anything that would help them in the way of a legal process through this bill would give up. I hope that's not the way it has been designed on purpose.

Given the mandate, those students can help with this, but even that won't suffice. Perhaps what we need right now is an advocacy program upfront to challenge and broaden, through court processes, if necessary, the definition of "disability," because this bill simply doesn't go far enough. When I was disabled by my farming accident, I didn't qualify as disabled by anyone's measurements. When I miraculously become un-disabled and could no longer practise the farming I had done because I'm still at risk—if I got hit again, I'm still at risk; that's now a weak spot—I didn't qualify for anything other than student loans. I'll tell you, at 54, I'm looking at maybe paying them off by the time I'm 90, if I'm lucky.

Also on the idea of the advocacy, I would very much like to talk briefly about one area that's very close to me right now. You have heard, as I know, about autism and fetal alcohol syndrome and many other non-included persons, and more and more children are being diagnosed daily with those problems. There is an industry in this province of child apprehension whereby we, as state intervenors, remove children with handicaps from their homes—these are usually economically impoverished homes—and foster them at taxpayers' expense, providing the foster family with extensive support programs that are not available to the natural family. We have to find a way, perhaps by strengthening and expanding this bill, to provide accessibility to services for all families to be enabled to provide for their children in their homes and under their care.

Thank you for your time.

**The Chair:** Thank you. We've got two minutes each. We'll start with Mr. Marchese.

**Mr. Marchese:** I thank you for your presentation and your miraculous survival.

**Ms. Avery:** It was unbelievable.

**Mr. Marchese:** I appreciate your comments around the issue of timelines. Other than two people today, possibly three, the majority of deputants said the time frame is simply too long.

**Ms. Avery:** Yes.

**Mr. Marchese:** I suspect the majority of people here today would be happier with 10, and I think that's doable. Do you not agree?

**Ms. Avery:** Yes, I do. Given the challenge, if I may say, if this were something that was going to generate money for the government, I can guarantee you the programs would be up and running in a year.

**Mr. Marchese:** The whole point of advocacy: Obviously, you're in the field as a lawyer now and understand that people with disabilities have no advocate. The

Ontario Human Rights Commission is simply not a place where you get redress. From time to time it happens, but in the majority of cases, it doesn't really happen.

**Ms. Avery:** The problem with something like that, and the problem with what I see coming in here, is that the processes are simply too long in order to effect any kind of change that's going to help with anything immediately. When I was talking to my friend who is in the wheelchair about this particular bill and I read her some of the timelines, she looked at me and said, "My God, I'm going to be 54 before they put the doors in." And I thought, "Isn't that a sad thing?" Here's a woman who has gone through all these challenges—and there but for grace of God go I—and she's not going to be able to realize her abilities because we can't afford to put \$1,500 pushes on 12 doors in a court building. And that's only one teeny, tiny place.

The Human Rights Commission, bless them, just takes far too long. The mechanism is too ponderous. If we're going to have advocacy for people who have disabilities, who are unable to go into the court processes, we need to fund that. We need to get more lawyers, young lawyers especially—I can do it, but I'm not going to be around for a long, long time—involved in and wanting to do this work. That means Legal Aid Ontario is going to have to be funded as well to supply proper money to address these things. I get certificates all the time for seven and a half hours to do what takes between 20 and 25 hours to do properly. It just doesn't make sense.

**Mr. Ramal:** I agree with you 100%. It's shameful that in 2005 we have to speak about this issue and how we are going to implement it. It should have been done a long time ago. But that's why we are here today. We had a bill in 2001 that was toothless: There was no power, no enforcement mechanism. That's why we are talking to Bill 118 today. With full respect, the author of the bill, Mr. Jackson, is with us here; I guess he is going to get a chance to talk about it.

I want to tell you something that is very important: Life without hope means nothing. We don't have to look at the end, 20 years; let's work together from today. If this bill passes, I want to assure you, it's going to speak to everyone. It's going to meet all the demands. By working together, we can achieve it.

**Mr. Jackson:** J.J., thank you for your brief and your advocacy. Just out of personal interest, what field of law are you going to specialize in?

**Ms. Avery:** Right now, I'm practising with my husband, who is sitting at the very back. We went through this together, which was another challenge.

**Mr. Jackson:** He wasn't holding the posthole driver, was he?

**Ms. Avery:** No, thank goodness. That was a very good friend. I blame him for my being a lawyer now, so that's OK. We're practising what I call, in general, poverty law: We try to look after, as much as we can, people who don't have that type of access.

**Mr. Jackson:** At the very tail end of this process, there is to be a process where there will be a fine penalty

of \$50,000 each day, and \$100,000 for corporations per day. But that will be determined by a director, a civil servant—

*Interjection.*

**Mr. Jackson:** Well, I'm not worried about that; I'm worried about where the money goes. As an advocate, do you have any advice? The reason I say that is that we have a victims' justice fund in the province, which dedicates the money to victims. Do you feel that if millions and millions of dollars are collected in penalty monies, it should go into some aspect of advocacy for the disabilities community? Because we don't have a mechanism for them to advocate. We've got ARCH, but they're not funded very well.

**Ms. Avery:** My personal choice would be that we didn't need to have that fund set up or that availability at all. My personal choice would be that no one has to get fined to do what, morally, they should be doing. However, if you are going to fine someone, then yes, I think the funding could go back into—I mean, there are any number of ways that could be used. But look to the Law Society of Upper Canada: Ask them how they manage to fund their civil action lawsuits from internal money. There are some ways where that can be turned into good use. But again, I would rather not see us having to wait until that mechanism is in place and those fines are rolling in, because I know how long it takes to get those processes through. Even as we sit now, it's not going to happen fast enough. We need some sort of mechanism within this bill to have advocacy happening as we speak, not later on.

**The Chair:** Thank you very much, Ms. Avery.

1810

#### DAVID MURRAY

**The Chair:** The next presentation is from David Murray. For your information, we have 15 minutes for your presentation. If there's any time left, we will allow questions from the members. Thank you.

**Mr. David Murray:** I'm from Stratford, Ontario, and tonight I'm speaking on disabilities for me and for others. I think they should have more places where they can hire people in wheelchairs like me and give me a job to make money.

**Ms. Sarah Agar:** Are there any questions or anything that's not understood?

**The Chair:** That's fine. He should make his presentation. If there is not a presentation, then we will allow questions.

**Ms. Agar:** His main concern is that not all stores in the city are accessible for him.

**The Chair:** OK.

**Mr. Murray:** Not all stores in the city are wheelchair accessible for me to get into, and National Stadium isn't wheelchair accessible in Stratford yet, and that's where I live. We have a team called the Stratford Storm. And Western needs to be wheelchair accessible too.

**The Chair:** OK. Any other statement he wishes to make? OK. Is there anyone who wants to ask a question? I think your point has already been made a number of times, and we thank you. Mr Jackson, any questions?

**Mr. Jackson:** I'd like to ask Dave, and this can be through his attendant support, the difficulties he had in coming today.

**Ms. Agar:** A lot of it is transportation. I work for Community Living, and it's really hard for transportation because there are only two vehicles that are wheelchair accessible that David can access. Only one or two city buses are accessible. The only service that runs is Mobility bus and that doesn't run through the evening hours, so it's very difficult to try to get transportation to get here and having to book it weeks in advance to have a vehicle that can be used.

**Mr. Jackson:** So David is a client with Community Living?

**Ms. Agar:** Yes.

**Mr. Jackson:** David, how long have you been confined to a wheelchair?

**Mr. Murray:** All my life.

**Mr. Jackson:** All your life. Is there a certain amount of attendant support he gets? Is that capped or is that open-ended?

**Ms. Agar:** We have a different set-up. He only gets support in the evenings and then overnights we have a different support system. But things are pretty restricted.

**Mr. Jackson:** David, are you living in a group home setting?

**Mr. Murray:** I'm living in a house they just built last March for me.

**Ms. Agar:** It's considered a group home.

**Mr. Jackson:** Right. So is it a group home with four other units, or is it within—what I'm trying to get at is whether it is a group home by definition under the municipal bylaw, or is it a residential home that doesn't exceed five residents?

**Ms. Agar:** It's residential—

**Mr. Jackson:** That's the way we do it in our community. We built 30-some homes that way and we get underneath the group home bylaw—

**Ms. Agar:** It's just a bed and a roommate. So just the two of them and a supportive neighbour.

**Mr. Jackson:** So it functions like a group home, but it's not covered under the group home bylaw.

**Ms. Agar:** Right.

**Mr. Jackson:** Very good. David, thank you very much for coming today.

**Mr. Murray:** Right.

**Ms. Wynne:** The intention of this legislation, and the intention of Mr Jackson's legislation before it, was to move us along the continuum toward a more accessible Ontario and to make life better for you, David. I guess I just have a question about the conversation in your community. Do you see this bill as a good and hopeful thing? Are you optimistic that it's going to do what we want it to do?



**Mr. Murray:** I hope the government will listen to my idea. I hope so.

**Ms. Wynne:** We appreciate your being here. That's the reason we're having these hearings, so we can hear what your ideas are, and we really appreciate your taking part.

**The Chair:** Thank you, Mr. Murray, for coming and thank you for participating in the presentation.

**Mr. Murray:** OK.

**The Chair:** Have a nice evening. Thanks again.

#### LISA KLINGER

**The Chair:** The next presentation is from the University of Western Ontario, the school of professional therapy. Madam, you will have up to 15 minutes for your presentation.

**Ms. Lisa Klinger:** I want to begin by thanking the committee for letting me speak today. I know that my time slot is later than you originally intended, and I really want to commend you on your stamina today. It's amazing.

My name is Lisa Klinger. I'm an occupational therapist, and I've been practising since 1979. During the time that I've worked as an OT, I've had the privilege to work with many, many people with chronic illnesses and disability. Their courage in the face of illness, injury, disability and handicap has always inspired me. I'm currently on faculty at the University of Western Ontario's school of occupational therapy, teaching, among other things, how illness and injury impact on people's ability to engage in meaningful activities.

**The Chair:** Madam, could I ask you to slow down your pace so all the people in attendance are able to understand and appreciate the presentation equally?

**Ms. Klinger:** OK. I teach students about advocating for systems changes that will enable people with disabilities to access the health care they need and to participate equitably in community life. I've been a member of the Ontarians with Disabilities Act Committee since 2001. I'm a member of the University of Western Ontario's Ontarians with Disabilities Act committee and have been a non-voting resource member of the city of London's accessibility advisory committee since its start. I've received grant funding from the University of Western Ontario to evaluate the accessibility of buildings on campus, and I've spoken at Western and at the University of Waterloo about implementing Universal Design for Learning, an approach to learning that's more inclusive of the broad range of human experience, including persons with disabilities.

1820

I must point out that in coming before you, I'm not here as a representative of the University of Western Ontario, the faculty of health science or the school of occupational therapy. That's important for you to know. I'm here simply as an individual who cares passionately about enhancing accessibility for persons with disabilities and who believes that many benefits will accrue to

everyone in this province if we eliminate handicapping barriers.

I'm using language in my brief that's consistent with the World Health Organization's model of disability and health, developed in 1980. According to that terminology, a disability is a way of doing things that is outside the limit of what is considered to be normal and a handicap is a limitation or barrier that is externally imposed as a result of the structure and organization of the physical, social and attitudinal environment. The World Health Organization has since revised this terminology and uses the term "activity restriction" instead of "disability" and the term "participation limitation" instead of the word "handicap." I've chosen to use the older terms because they're in more common usage. Note, however, that many people get the notions of disability and handicap confused.

I think it's important to clarify this issue, because a disability is just a different way of doing tasks and activities, usually related to some sort of impairment that a person has. Thus, if I have lost the ability to move my lower limbs and need to use a wheelchair, I have a disability that affects the way I move around, participate in work, engage in leisure activities and so on. A handicap, however, is a result of the way that the environment around me is organized. If my world were totally wheelchair accessible—for example, all doors opened automatically, all homes were on one floor and accessed by ramps, all cars came with the option of hand controls and so on—I would not be handicapped. People will always have disabilities, because there is a broad range of variability in the human condition. But we can do a lot to reduce or eliminate handicaps, so that the broadest range of human skills and abilities possible can be accommodated in our communities. This ideal is often called universal accessibility.

I'd like to commend the government for bringing Bill 118 forward. I strongly support the legislation, and I support government's willingness to hold these hearings.

I'm going to skip over some of the text in my brief because you've probably heard it before. So I'm skipping down to the bottom of page 3. My goal today is to point out some areas that I believe are not adequately addressed by the bill. I believe that the bill needs to be strengthened so that it eliminates as many barriers to access for as many persons with disabilities as possible. I believe that the bill needs to be stronger with respect to the need to eliminate barriers to employment, barriers to access in the private sector and barriers to access in the health and education sectors.

One of the biggest barriers that people with disabilities face is poverty. Many are in the position of having to support themselves on ODSP of \$930 per month if they're single or \$1,417 per month for a family of two. This isn't a lot of money, particularly as there are a lot of extra costs associated with being disabled. Such extra costs may include, but aren't limited to, the need for special equipment and adaptive devices, all of which are extraordinarily expensive and never fully covered by

government support programs, as well as time-consuming and often frustrating to access; the need for personal care to assist with personal activities of daily living such as dressing, grooming and personal hygiene; the need for assistance to accomplish instrumental activities of daily living such as housecleaning, grocery shopping, banking and home maintenance; the need for special medications; and additional and extraordinary transportation costs.

There are additional government support programs in place so people with disabilities are not destitute. Between ODSP, coverage for costs of medications, dental treatment, programs like the Ontario assistive devices program and so on, many tax dollars are spent supporting people with disabilities. Some people with disabilities, by dint of special talents and a lot of effort, succeed in securing employment. However, despite the fact that there are organizations and vocational rehabilitation counsellors that try to support people through the process of securing employment, and despite the fact that human rights legislation mandates that employers must take reasonable measures to accommodate persons with disabilities, the barriers remain enormous. Employers often simply do not have the mindset that they can, and must, accommodate persons with disabilities, whether it be returning someone to the job after they acquire a disability or opening up a position to a new applicant with a disability.

Bill 118 must speak to the need to make reasonable accommodations in order to hire people with disabilities, and should make it an offence not to do so. Even though human rights legislation speaks to this issue, our experience has been that addressing inequities through the human rights process is extremely slow. A more proactive approach to employment of persons with disabilities would have many benefits. It would reduce the need for tax dollars to fund government programs. It would place more money in the hands of persons with disabilities for acquisition of goods and services. This would have the spinoff benefit of enhancing economic incentives for commercial establishments like restaurants, hotels and stores to be more accessible so that they can attract customers with disabilities.

Not everyone who has a disability is going to be competitively employable. However, in many cases, competitive employment is denied to persons with disabilities due to attitudinal barriers. Employers just don't want to make accommodations, even though the cost of making them is often not that great. Accommodations often involve creative changes in work processes that cost little to implement and sometimes even have a cost benefit, but change in the workplace will not happen without strong, enforceable legislation.

I am not a lawyer, I don't know how things should be worded, but I implore you to include stronger wording in the legislation to indicate that employers are required to take reasonable measures to eliminate barriers to employment for persons with disabilities, even before accessibility standards are developed for their sector.

**Barriers to access in the private sector:** In order for persons with disabilities to have the benefit of full participation in the life of the community in Ontario, measures need to be in place to ensure that they are not barred from access to retail outlets; restaurants; professional offices, such as doctors, dentists, lawyers and accountants; and housing, such as high-rise apartments, condominiums and new housing. While the act speaks to this in a general sense and calls for development of accessibility standards, I believe that if the act were more specific in this regard and had stronger wording, then many business people and professionals would take measures to enhance accessibility prior to standards being developed. There are many resources already available to business people—consultants, information available on the World Wide Web, individual customers and clients who have disabilities, and so on—to facilitate introduction of measures to make businesses and offices more accessible.

**1830**

I can offer you an example. I worked with a client who was confined to a wheelchair and who had purchased an accessible unit in a high-rise condominium. As the client's therapist, I asked the condominium executive and owners of the building to install one automatic door opener so that my client could access the building independently. The condo corporation and management both refused to spend the money, although this would have cost them less than \$800. An auto insurer was even prepared to subsidize the cost. They were provided with all the information, including suppliers for the device, but still refused because they were not compelled to make the change. Interestingly, this is in a building that houses many seniors, many of whom would also have benefited from an automatic door opener. Even parents of small children who need to get strollers and baby carriages through the doors would have benefited. These kinds of changes do not need to wait on regulations. There are therapists, counsellors, advisers and people with disabilities out there now who know what's needed, how to access the resources and how to best go about putting the devices and adaptations in place. The motivation to work with the knowledgeable people and actually make the changes is missing and needs to be legislated.

People with disabilities need access to a choice of housing. Architectural standards to enable universal accessibility are widely available and are relatively easy to find. There are many experts in accessible housing in the private sector. People with disabilities themselves are often expert on what is needed.

We don't need to wait for regulations to know that if 13.5% of the population in Ontario has a disability, according to StatsCan—the participation and activity limitation survey that was done in 2001 provided that statistic—then at least 10% to 13% of new housing should be accessible. This could easily be built into Bill 118 and would make a huge difference in the availability of all types of accessible housing. This would be a very proactive measure, as we know that the wave of baby



boomers is aging and that the percentage of people with disabilities is likely to increase over the next 20 years as a result of this greying demographic.

**The Chair:** There's just about a minute left, madam, for your presentation, in case you want to wrap up.

**Ms. Klinger:** I'm going to go down to my third point, and that's the barriers to access in health and education. I believe the bill needs to speak specifically to the obligations of hospital administrations, boards of education and administrators of colleges and universities to take immediate and substantive measures to eliminate barriers and provide for universal accessibility. These organizations were all required to have accessibility advisory committees under Bill 125, and as a result of the work of those committees, some progress was made. These organizations must be required to continue with their accessibility committees and to continue to develop their own standards and criteria until such time as the uniform accessibility standards are developed. It's partly an issue of transition, but I raise it because I think that Bill 118 needs to say something specific about the need for our hospitals, schools, colleges, and universities to be accessible.

**The Chair:** Thank you very much. There is one question for sure; Ms. Wynne wants to ask a question.

**Ms. Wynne:** Actually, I just wanted to make a comment, not on this particular presentation. A number of the presenters have thanked us and have talked about our perseverance. I just wanted to acknowledge that there are people in this room who have been here all day. This is our job, but you've taken time out of your lives to be

here, so I want to thank you for your perseverance, I want to thank you for your input, your wisdom and your patience through all the years that you've had to wait. Thank you very much for being here and for helping us with this process.

**The Chair:** Before we end the meeting, there was a person who did not appear at the right time. Is Jan Schneider present? If he or she is not present, I will adjourn this—yes, Mr. Jackson?

**Mr. Jackson:** Just a point of information. Yesterday, when this committee was in Niagara Falls, the distressing and disturbing news was brought to our attention that Justice Donald Wallace had taken a \$300 minimum highway traffic fine for the abuse of a handicapped parking space and discounted it and indicated some disturbing items. I just wanted to circulate to the committee members a letter that I have written to the Honourable Michael Bryant, asking him to appeal this decision and to pursue it. In fact, it came to our attention collectively through the processes of these hearings. I wanted to publicly acknowledge, if I may, Mr. Chairman, both the deputants who brought this to our attention, John Kis and Gordon Shapley. I hope we'll get a swift response from the Attorney General that we're going to talk to judges about not discounting the rights of the disabled in this province.

**The Chair:** The point has been made and we'll wait for a reply. Any other comments before we adjourn the meeting? We will adjourn this meeting until Monday next week in Thunder Bay.

*The committee adjourned at 1835.*





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## Legislative Assembly of Ontario

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# Official Report of Debates (Hansard)

Monday 7 February 2005

# Journal des débats (Hansard)

Lundi 7 février 2005

## Standing committee on social policy

Accessibility for Ontarians with  
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## Comité permanent de la politique sociale

Loi de 2005 sur l'accessibilité  
pour les personnes handicapées  
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## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
SOCIAL POLICYCOMITÉ PERMANENT DE  
LA POLITIQUE SOCIALE

Monday 7 February 2005

Lundi 7 février 2005

*The committee met at 1010 in Valhalla Inn, Thunder Bay.*

ACCESSIBILITY FOR ONTARIANS WITH  
DISABILITIES ACT, 2005LOI DE 2005 SUR L'ACCESSIBILITÉ  
POUR LES PERSONNES HANDICAPÉES  
DE L'ONTARIO

Consideration of Bill 118, An Act respecting the development, implementation and enforcement of standards relating to accessibility with respect to goods, services, facilities, employment, accommodation, buildings and all other things specified in the Act for persons with disabilities / Projet de loi 118, Loi traitant de l'élaboration, de la mise en oeuvre et de l'application de normes concernant l'accessibilité pour les personnes handicapées en ce qui concerne les biens, les services, les installations, l'emploi, le logement, les bâtiments et toutes les autres choses qu'elle précise.

**The Acting Chair (Mr. Jeff Leal):** We'll bring this meeting of the standing committee on social policy to order. Good morning, and welcome to the public hearings in Thunder Bay by the standing committee on social policy for Bill 118, the Accessibility for Ontarians with Disabilities Act.

I'd like to point out some services provided to improve the accessibility of these hearings. In addition to French-language interpretation, the meeting is provided with closed captioning, and sign language interpreters are available as required. We also have two support services attendants available for anyone in the audience who may have special personal assistance needs during the day.

These hearings are being taped so that they may be broadcast across the province. Today's meeting will be broadcast on the parliamentary channel on cable TV on Wednesday, February 9. There will be a Web-cast the same day. The Web-cast is available at [www.ontla.on.ca](http://www.ontla.on.ca), and all meetings will be archived for the month of February.

We're waiting for the Chairman, Mario Racco, to come. I guess he's been delayed somewhat. I'm Jeff Leal, the member for the riding of Peterborough. We'll commence this morning's proceedings. We'll have 15 minutes per presentation, and any time left over will be available for questions on a three-party rotation basis.

TRACY LYNN HURLBERT

**The Acting Chair:** First of all, I'd like to welcome Tracy Lynn Hurlbert. Good morning, and welcome to our proceedings. I'm glad you're with us today.

**Ms. Tracy Lynn Hurlbert:** Thank you. I'm glad to be here today. I'm actually representing myself here and my little sister, who also has a disability. Some of these things may also be of interest to other people with disabilities in wheelchairs.

One of the main problems I've been having lately is with the city of Thunder Bay, with the bus stops not being cleared out in the wintertime. My bus stop has been cleared out once—actually, twice now—all winter. Being in a wheelchair, I'm the one who's clearing it out. I have MS, I've got asthma, I've got one hand that works, and I'm the one who has to clear out the bus stop in front of my house so I can access the bus. I'm just thinking, I know there are other people here who live in areas that are also underserved by bus clearing. It's kind of scary thinking that we have this equal access to get on the buses, but we have no way of getting to where the buses are going to pick us up.

I realize that this year we did have a lot of snow, but my bus stop wasn't cleared out until more than five days after the last snowfall. I understand that the city was behind in their snow clearing, but there are some things that have to come first, and one is access for people with disabilities. In an area where there are seven people in wheelchairs using the buses, you'd think that would be a priority area. I know they can't have every area as a priority, but still, when there's a person who uses the bus every day, and there are a couple of other people in wheelchairs who use the bus every day, this area should be kept cleared.

The city sidewalk actually wasn't even cleared out until Friday. I had to phone the mayor's office to get it cleared out. When they did it, they did a really good job, but I shouldn't have to call the mayor's office to get something like that done. I had no access at all to the street from my house. I made the mistake of getting off the bus a couple of stops early so I could go to the store, got up to my place and discovered I couldn't get on the sidewalk. I stood out there and I stood out there and I walked around and I tried to figure out some way to get on my sidewalk. My neighbour had to come and shovel me out. I'd been outside for about half an hour at that time, just trying to get into my own home. Everybody

else takes for granted that you can get on the sidewalks and get home even through a little bit of snow, but these power wheelchairs are not built to go through the snow. You get an inch and a half of snow and that's about it; you're stuck. Sometimes, there's ice under there too, and you could fall down and get injured. Just because you're in a chair doesn't mean you can't fall over.

It's pretty ridiculous to expect me to shovel out my bus stop, and that's basically what I was told by one of the transit people when I phoned the manager. I was told, "Well, can't you get someone to clear it out for you?" I'm supposed to pay somebody to clear out my bus stop? I'm on a disability pension; I don't have a lot of money. I shouldn't be expected to pay for someone to clear out my bus stop, when nobody else has to.

One of the other things I noticed also recently is when my little sister gets on the bus. She can't talk; she uses a computer to talk. She says that a lot of people are very impatient with her, including bus drivers. When she complains to management, management just says, "You should have an attendant with you." She doesn't need an attendant with her. She's mentally fine. She lives in a group home, and if she weren't mentally fine, they would make the decision for her that she couldn't use the buses. But she's perfectly fine; she's capable of using the buses. She knows when to get off. She keeps getting hassled by drivers to bring someone with her. She says it's getting embarrassing when she gets on the bus and the drivers all go, "Ugh," because she takes a while to get on. That makes her take a lot longer, because she's got cerebral palsy. You get nervous with any disability. If you get nervous, it does take you a while longer to get on the bus. There's one driver in particular with whom it takes her almost five minutes to get on the bus, because he makes all these faces and comments and stuff like that.

Yet when we complain to Thunder Bay Transit, they do nothing about it. They say, "Well, then, she should have an attendant with her." She doesn't need one. Her group home—these are professionals who know what they're talking about. They know if she's capable of getting on a bus or not, and they think she is. I don't think it's fair for someone who doesn't have the education to turn around and say that she can't get on the bus by herself. That's not fair and that is discrimination, in a way. Because she can't speak for herself, they think they can speak for her and say things like that. It's really sad and it's disturbing to me that in this day and age people would still think that just because someone can't talk, they don't think very well.

She's actually been told that. She's been told by a couple of drivers now that they won't pick her up unless she has an attendant with her because they don't know where she's going. They say, "You need to have someone with you. I don't know where you're going. Do you know where you're going?" And they don't wait to give her a chance to answer. They just automatically tell her, "Keep going. I don't have time to listen to you." It's pretty sad if you don't have a few minutes to listen to someone, especially someone who uses the buses every day and pays her fare.

The other thing I've noticed lately too is when I was at the hospital yesterday—that was fun. I think we need to have better codes as far as wheelchair access goes. It's OK to say that a bathroom has to be wheelchair-accessible, but what does that mean, really? You have to give examples of what an accessible bathroom should look like. Someone who isn't familiar with wheelchairs or whatever—there are lots of things we don't think of. Being in a chair myself, of course, I think of these things. My own mother and father, when they were designing their home, designed it wrong and had to redesign a few things. If they can design it wrong, then someone who has no experience at all with disabilities could do that too.

Even here, I noticed the washroom—you can get into the hotel but you can't get into the washroom. There are no power doors. A washroom is a necessity. I think they should have some kind of power doors, or they should do what one of our local malls did, and that is, they designed the bathroom so they don't need a door on there. You can just go around a curve and get in there. I think one of those two options should be made as far as a code goes so that people can use the bathroom when they have to.

Also, at the hospital all the toilets are low. There isn't a single high toilet there to be had at all. When I went to the hospital yesterday, I had to wait over an hour while they looked for a high toilet seat for me, because the toilets they put in are not compatible with high seats that you can purchase on the market. So they spent over an hour looking for a high toilet seat for me. I'll tell you, I was getting quite worried there for a while. I think it's kind of silly; it's a hospital and it's not accessible.

There are no accessible showers in there. When I was in the hospital, I waited two weeks before I got my hair washed. I've got long hair. Can you imagine what that must have been like, two weeks without having it washed? The nurses don't have time. I understand that they don't have time to be taking me into the bathroom to have a bath. I'm perfectly capable of having a shower by myself, but without the wheel-in showers, I can't do it. I think it's kind of silly that they're making the nurses take more time to do things when these people are already overworked.

Even the bathrooms in the patients' rooms, again, they have no high seats. Anyone who requires a high seat—people who've had hip replacements or people who are disabled in any way, shape or form—good luck finding one. They're pretty rare there. You have to wait for a nurse to come and help you, when in actuality, if you're capable of doing it yourself, you're basically wasting this person's time by doing something like that. It's not your fault, but nurses have other things to do too. I think they should have put those high seats in as an option, so that anyone who needs one and can do it by themselves doesn't have to bother the nurses with something they're perfectly capable of doing.

I noticed at the hospital too that they also have doors without any power access to them. Again, you're at the mercy of the hospital staff, asking them to open doors



and stuff like that. And if you're visiting someone in the hospital, forget using the high seat, forget using the commode; you're not allowed to. You can't use the commode. Those are for patients only. So again, you're at the mercy of the hospital staff, running around looking to find a high seat.

1020

Someone actually suggested that I carry one with me. Do you have to carry a toilet seat with you everywhere you go? It's kind of silly to expect me to have to carry a high toilet seat. Where am I going to carry it? On the back of my chair? That's loaded kind of high. How am I supposed to reach it? So again I'm at the mercy of other people being able to help me at a time when I need to be able to do things myself.

When I went to discuss this with the manager there—I just wanted to leave a note for him—I got upstairs and the administration offices aren't accessible. There is no power door to get in there. So you can't even ask a face-to-face question. You have to wait for someone to notice that you're out there and open the door for you.

While I was there, I noticed that there's a beautiful reception desk now, out in the open where you can get to it, but I don't know if they were planning on hiring anyone in a wheelchair because when I got to that reception desk, it's built right in and there is only a very little amount of space to get behind it. You can't fit a wheelchair back there. So unless they're purposely planning not to hire someone with a disability, it's kind of silly that they would put the desk so close to the wall that no one in a wheelchair can get past it. When they're hiring someone, the only people they can hire, if they don't want to do repairs, is someone who can stand up and walk through there. Again, I find it quite disturbing that in this day and age something like that, when it's brand spanking new, was built without that in mind.

There are a lot of things that are good about our hospital, but those are some of the things that are very troubling to me. There is a lack of access and there's a lack of signage too as to where wheelchair-accessible things are. Sometimes you have to look for the bathroom. There's no signage up above where you can find what's going on. You actually have to walk down the hall and look.

A friend of mine who is deaf was saying there's also a problem with reaching the TTY machines, the teletype machines. There's no signage as to where they are. There are three of them in the hospital, but good luck finding them. You have to know where they are before you can find them. You have to look at every phone. That's kind of ridiculous, if you're in a hurry and you have to call somebody, to be looking around the hospital for a phone you can use.

As well, when I was there I noticed that the nurses, doctors and staff are also not very well educated as to how to deal with someone with a disability. They were quite troubled by the fact that I'm hard of hearing. Every time I rang for the nurse, they'd answer me and I didn't know that they were answering me. They kept saying,

"You keep ringing but you don't answer when we ask you what's going on." Well, I don't hear you when you answer me. You have to come down and talk to me. There should be some better way of doing this so that the nurses aren't bothered all the time with running down the hall. There's got to be some way of getting hold of the nurses for people who are hard of hearing so the nurses don't have to be running all over the place. I'm not sure what they could put in there, text messaging or something like that, so you can get hold of the nursing station.

Very few of them actually understand sign language or the fact that you have to have the lights on when you're talking to someone who is hard of hearing. They come in in the middle of the night and I can hear that they're talking but I can't tell what they're saying. They might just be quacking for all I know. They come in and say something and I can't tell what they're talking about. Then they get frustrated with me because I'm hard of hearing. That's not something you choose.

Also, when they built the rooms, they are too small for people in wheelchairs. When I was in the hospital, in order for my roommate to get in and out, we had to move my chair out of the room. If there's ever a fire, they're going to have to move me out on the bed or they're going to have to remember to get my chair or they're going to have to transfer me to another chair. That, to me, is a troublesome issue, considering I had one wheelchair lost in the old hospital. It took us over a day to find it. That was my own wheelchair.

It also troubles me that if you're in a wheelchair and you're in the hospital, what if someone in a wheelchair wants to visit you? You've got to weave through all the equipment and everything else. If those rooms were just about a foot or two bigger, that would make all the difference in the world. But they were so concerned about space constraints, they didn't think about the actual access. We've got a beautiful building, but there is a lot of wasted space. I think they could have made those rooms just a little bit bigger and had a lot less wasted space.

I have one more concern. It's about access to services for people with disabilities. In this city, it's really difficult when you want to go see someone at city hall. Some of the city services at Victoriaville—there's no power door to get in there, and it's a city service. To me, it's vitally important that we be able to talk to different people in different departments, but, again, without power doors, there's no way to do it.

Housing in this city is a nightmare in a wheelchair. I just discovered—I'm on the waiting list—that it's going to take me over a year to find a wheelchair-accessible apartment. It has been so long since we've had a raise in our disability cheques for accommodations. As far as I'm concerned, that raise is important for access, so that we have access to things we need. With that extra money, I would have access to a better apartment. I live in a tenement slum right now, where half the time the heat doesn't work and there are noises going on. There are drug dealers in my apartment building and all kinds of

stuff like that that I don't need to deal with, but because I don't have enough of a disability cheque, I can't get out of there. I'm literally stuck there until I can find a non-profit-housing place, and there aren't enough of those in Thunder Bay that are wheelchair-accessible.

I think we need to concentrate on getting all landlords, not necessarily just those that are non-profit, to build their buildings with wheelchair access in mind. When I see a brand new apartment building coming up and there's no access, it's almost like saying that people with disabilities aren't welcome. That's the way I see it. I know that may not be what the person actually means. When you build something brand new, it should have to be wheelchair-accessible and barrier-free. All new apartment buildings should have to be barrier-free, because maybe some of the people who are in those wheelchair-accessible apartments right now want to move to these other places. Maybe they don't need to be in a rent-controlled apartment, but that's all they can get. If we have more choice of apartments, I think that will free up a lot more of the non-profit apartments too.

The raise in disability cheques for apartments is vital for me. It's vital for everyone. Thank you.

**The Chair (Mr. Mario G. Racco):** Thank you, Ms. Hurlbert. I know that two of the local MPPs, Mr. Gravelle and Mr. Mauro, are here, and I believe that at least one of them has a question.

Mr. Gravelle, you have a minute.

**Mr. Michael Gravelle (Thunder Bay-Superior North):** Certainly, I want to welcome the committee on behalf of my colleague Bill Mauro, as well. To have you here in Thunder Bay, in northwestern Ontario, is very important. We're very proud of the fact that disability and accessibility issues are at the forefront here in Thunder Bay.

Tracy, I want to thank you for appearing before the committee. As always, you bring forward a number of points and issues that I think, quite frankly, are the basis on which we brought this bill forward. Many of the things that you have spoken about, particularly accessibility in terms of washrooms in public institutions—standards will be set as a result of this legislation.

If I could, I want to ask you very quickly whether you've had an opportunity to look at the legislation, and do you have any comments on it, as it's presently put forward?

**Ms. Hurlbert:** I did have a chance to look at the legislation quite a while ago. I don't actually recall seeing anything in there about codes as far as wheelchair access for public buildings, for washrooms and stuff like that. I don't recall seeing any codes for that, and I think there should be because, again, bathrooms are a necessity. We need to have an actual idea.

**Mr. Gravelle:** Indeed there will be, because it will be barrier-free everywhere. You also made reference, obviously, to some of the other public institutions and the private sector, and that, of course, is one of the goals of the legislation.

Again, Tracy, you and I know each other quite well, so I'm very grateful that you're appearing here today.

**The Chair:** Thank you very much for your presentation. We went over the time. Thank you again for being here this morning.

1030

#### PERSONS UNITED FOR SELF-HELP IN NORTHWESTERN ONTARIO INC.

**The Chair:** The next presentation is from Persons United for Self-Help in Northwestern Ontario Inc. Do we have someone present, please? Ladies, please have a seat. As you were told at the beginning, there will be 15 minutes for your presentation. If there is any time left, we will allow questions or comments to you from the membership.

While the presenters get ready, let me also welcome all of you, of course, to this meeting. Most of us are from outside the Thunder Bay area, and we are pleased to be here. I had a lovely evening last night. That's why I was a little late, and I apologize. Some people who used to know my grandfather, who used to be here many, many years ago, got together with me. He was here before I was born—I was born in Italy—when he was working in the Thunder Bay area back in the 1940s, 1930s, or 1960s, potentially? I can't remember all those dates. It's nice to be here for the second time in my life, where my father spent most of his life. Thank you.

You can start, madam, any time you are ready.

**Ms. Patricia Seed:** Good morning, distinguished officials, appointed committee members, colleagues and friends. Yes, we are from Persons United for Self-Help, and that's PUSH Northwest.

The one thing that we should mention right away is that we have moved offices. We are now at 1201 Jasper Drive, Suite B. Our telephone number, fax number and TTY have all stayed the same. We do have pushnwo@tbaytel.net as our same e-mail address, and our Web site address is also the same. We are endeavouring right now to update that Web site.

We are very pleased that you have come back to Thunder Bay. We were so pleased when you came here in March. We are especially pleased because northern Ontario is not always looked at as one of the key points for information to come from. We thank those who are responsible for that. We also thank those who are responsible for giving us information on Bill 118.

My name is Patricia Seed. I usually use "Pat." I'm the executive director of PUSH Northwest. I am the former information and referral coordinator for the Independent Living Resource Centre here in Thunder Bay.

Ron Ross was not able to be with us. He is the founder of PUSH and is the past president right now. He is on the executive board, of course, and he's also the former executive director of Hagi, which is now called Hagi Community Services for Independence.

To my immediate right, I'm happy to say, is Annie Jollymore. She is on our executive board. She is our



secretary, and she comes to us with a great deal of experience. She's a past project coordinator for the Independent Living Resource Centre's Access to Justice 2 for People with Disabilities. She has written the manuals *What to Do When*, and also *In Our Shoes*, which is about awareness.

PUSH is basically consumer-controlled. All of the members on the board are consumers, and we are a cross-disability agency. We not only address or assist individuals who are using wheelchairs, but also other disabilities.

Loyal is my guide dog underneath the table here. He's my black Lab, and I've had him with me since earlier this year.

Basically, our whole aspect is to empower consumers to be productive so that they can really live meaningful lives, to help them to find the places for the equipment for their everyday needs, and also to look at barrier-free issues and whatever issues are put up to us by consumers. At this point in time I should say that we are very pleased that we have a chance to comment on all of this. We really hope that this is not just a meeting or hearings and then it will go away. We thank those who have had the bill passed through the first and second readings. We thank them and we really look forward to it going with the recommendations that we make for third reading.

We are a grassroots organization. With that, I think I will let Annie tell you some of the specific aspects that we are looking at in the legislation.

**Ms. Annie Jollymore:** Hello. PUSH Northwest agrees that people with disabilities represent a real wealth of untapped potential, but social policies will have to be changed, as well as accommodations of a very high standard put into place before this potential can be realized. Barrier-free living involves a lot more than the removal of design and architectural handicaps or access to assistive devices and enabling technologies. In northwestern Ontario, a person with a disability is likely to be unemployed or underemployed; living on a low fixed income; is likely to have attained little more than a high school diploma, if that; have little, if any, disposable income; and is often forced to choose between paying for their lodgings and buying groceries.

Many Ontarians with a disability gravitate toward entrepreneurship because potential employers weed them out early in the selection process due to their lack of education and/or experience. However, self-employment is not barrier-free either. Start-up capital is hard to obtain. People who have been long unemployed and generally relying on social assistance benefits may have a poor credit rating or no credit rating. They often encounter disinterest or outright discrimination on the part of business advisors and financial institutions when seeking advice.

For those trying to gain independence from ODSP or Ontario Works, finding a job or creating their own results in a loss of medical, dental and other supplementary benefits. For people with high medication or other health care expenses, the transition from social assistance

benefits to self-sufficiency likely means no dental plan or medical plan at all. The real possibility of having to declare personal bankruptcy may not seem worth the pain.

I can speak to this rather biting reality myself. I have a master of arts degree, no job at this time, no drug plan, and high prescription medication costs. As a person with a disability, I still hope to find another job that allows me to do what I do best, which is research and writing, but I must balance this hope with the knowledge that these kinds of jobs are scarce. Buying my medications can mean not having enough spare cash to pay the rent and utility bills, plus feed a hungry teenager. If I pay the bills in order to keep a roof over our heads, I have to settle for buying high-sugar, high-fat, high-calorie foods and forgoing my prescription meds. If I choose this latter option, I'm in no condition to go job-hunting.

Health care expenses don't stop with medication. Quality of life often means visits to health professionals like physiotherapists, occupational therapists and chiropractors, but these services are no longer subsidized by the Ontario government. That means that people with disabilities may not have the financial access to the services that could make the difference between health and well-being to get ahead in life and a permanent disability.

People with disabilities face many obstacles that their able-bodied counterparts do not. In northwestern Ontario, these obstacles are compounded by the geography and climate of the region. Many remote communities are not accessible by roadway even in the best of conditions. The section of the TransCanada Highway that goes through northwestern Ontario is comprised of some 1,000 kilometres of two-lane blacktop that's often closed to traffic due to weather, accidents, police investigations or chemical spills. We cannot even begin to discuss accessibility standards for essential services to which many Ontarians with disabilities have no access in the first place.

One of the greatest barriers that people with disabilities face, however, is attitude. Human emotions and beliefs cannot be changed through legislation. PUSH strongly believes that a disability issues and awareness curriculum should be developed for the schools and for key professionals, such as architects and those who design consumer products. At this time, fear, ignorance and outright discrimination against people with disabilities still lead to horrific abuses and violence perpetrated against them. We ask all Ontario legislators to bear these unfortunate facts in mind as they listen to the public feedback on Bill 118.

1040

Accessibility itself is fairly easy to define and it is something that can be legislated into affirmative action. If all the right accommodations and accessibility standards were to be put into place over the next 20 years, people with disabilities might well tap into their own potential, but they're going to need a lot of help to simply get on their feet in order for society's doors of opportunity to open.

I'm going to turn it back to Pat now.

**Ms. Seed:** One of the things we are looking for and really support is the establishment of committees in

different areas which would be networked together to be able to contact one another, to be able to input and to be able to keep making this Accessibility for Ontarians with Disabilities Act even more ongoing and more successful. We really encourage all government officials to do that and to set specific timelines for the implementation of those elements of the bill.

One of the things we were a little bit concerned about was the fact that there will be penalties for people not complying. However, there will not be, as far as we know, incentives for people who do comply, people who partner and so on and so forth. People who have pensions and so on are actually not able to work, because if they do, then they have difficulty with their pension. The other thing is that we might think of volunteer hours as some kind of—as you know, volunteerism helps the community grow and therefore is very good for the community, the city etc., and for networking and peer support.

I think you can read the rest of the information at your leisure, whatever that is, with all of the things that you must do. Anyhow, we look at this as a really good start, and if you have any questions, we'd be happy to answer them.

**The Chair:** Thank you for your presentation. There are three minutes left, so we'll allow one minute each.

**Mr. Cameron Jackson (Burlington):** Pat, thank you very much for your presentation. It's good to be with you again. It's Cam Jackson from Burlington. I want to make sure I've got your point. You're concerned that you don't want to compromise anybody on ODSP if they find themselves in a position of either helping the Accessibility Standards Advisory Council or the standards development committees, where there might be compensation. Is that correct?

**Ms. Seed:** The aspect is that very often people are penalized by using those methods. They can't be self-employed. They can't collect any income. There should be some kind of base structure whereby an income is established and where a reporting mechanism would be established so that everyone has some kind of livable income and is not basically turned down from a pension because they have so many skills, even though they have been able to apply for jobs and have not found any after applying for 20, 30 or 40 jobs.

**Mr. Jackson:** You realize that those concerns are not covered in this bill. I think what I was asking you was if both Mr. Lepofsky and the ODA committee, as well as your brief, as I understand it, are suggesting that if a person—well, first of all, you make the point that persons with disabilities should be the majority of and active in setting the standards, monitoring the standards and so on. We need to make that clear in the legislation. But the issue of compensation keeps coming up for those people who participate in that process. I think your answer to me was more generally about persons on ODSP.

**Ms. Jollymore:** I'm sorry.

**Mr. Jackson:** No, that's OK. What I want to get on the record is that you wish this bill to speak to the issue

that if someone is on ODSP, their income isn't compromised by virtue of participating in this process, whether it be a member of the Accessibility Standards Advisory Council or the standards development committees, if in fact compensation or remuneration, even expenses, are covered to that extent.

**Ms. Jollymore:** That's correct. We thank you for adding that in because of the fact that very often persons with disabilities are not compensated and they do voluntary work just to be able to be doing something, to be using their skills so they don't lose their skills. We do indeed hope that the remuneration or stipend or whatever you would have would not penalize their guaranteed income.

**Mr. Rosario Marchese (Trinity-Spadina):** Thank you both for coming. Many who came in front of us to make deputations have suggested or said that people who serve on these committees should be remunerated in some way. They don't say how much, but the general feeling was that they should be paid and not volunteer.

The question I wanted to raise with you is something that other members have raised throughout and that is that the development of standards, as proposed by the government at the moment, is every five years. The majority of deputants have said that should be reduced to a lesser term. Some people suggest three years, some people say the whole process should last only 10 years, or even less. Do you have any strong feelings about that?

**Ms. Jollymore:** I think that three years is a much more feasible time for a person to say, "Yes, I can absolutely commit to you for three years, except for something unforeseen." I think that gives them some time to learn what is going on and also to be able to get the message out to other consumers of the same and other disabilities. I would hope that much of this legislation could go through and many of these points that are being brought up would be addressed in the next 10 years and, if not, that they actually continue to be followed up. I don't see this as the be all and end all.

**Mr. Bill Mauro (Thunder Bay-Atikokan):** Annie, thank you for being here today. You described the profile of a person with a disability in your comments. You mentioned things like employment opportunities and income levels and post-secondary education. I'm wondering if you find that to be consistent across the province or if you find that there are any regional differences in that sort of profile and description.

**Ms. Jollymore:** I'm not sure. I don't know that I can really speak to other areas of the province. My general understanding is that the conditions are better. Access to health care is better in southern Ontario and eastern Ontario. I don't know about the employment situation. People in the northwest tend to be poorer, as I stated, and have fewer opportunities in general. The main concern, I suppose, is that because of the geographical isolation of this area, some remote communities don't even have access to the services that we do here in Thunder Bay. I don't know if that answers your question.

**Mr. Mauro:** It does. Thank you very much.



**The Chair:** Thank you very much for your presentation.

**Mr. Leal (Peterborough):** Mr. Chairman, on a point of order: Mr. Jackson has raised the question about the threshold level for ODSP, and it's been a common theme in Niagara Falls, London and here today. I wonder if I might ask the research assistant to get a copy of a report that was recently prepared by Deb Matthews, who is the parliamentary assistant to the Minister of Community and Social Services. She went to great lengths to talk about threshold earning levels for people on ODSP and I think the committee would profit from having that background material as we go forward in clause-by-clause, dealing with issues such as compensation for people who may serve on various committees. I think it'd be helpful, so if I could request that to be distributed, it'd be appreciated.

**The Chair:** That will be done. Your presentation is terminated. Thank you.

1050

**The Chair:** We'll ask the next group to come forward and, while they're doing that, we can take any other comments. The next one will be the Ontario Public Service Employees Union, if they could please come forward.

**Mr. Jackson:** On a point of order, Mr. Chair: To build on Mr. Leal's suggestion, I was going to ask if we could get some kind of written comment from the minister or the bureaucrats to deal with the question I raised, which was, will there be an exemption automatically with ODSP in this? Can they create a regulation that will allow that, or will we need to put that into the recommendations? As you know, there was a recent case of a person on assistance who received a windfall from returning money to the police and it was controversial in a sense, but the government stepped in and said, "No, we won't discount you." I want to make sure that we find some accommodation here, and if we could get something in writing from the minister or the government as to how they'll treat that, that would be helpful.

**The Chair:** The question has been asked. Are you clear about the request?

**Ms. Lorraine Luski:** I think that should go to the ministry.

**The Chair:** You're taking records. Would you notify them?

**Mr. Leal:** But you can get a copy of the Matthews report, right?

**Ms. Luski:** Absolutely.

**Mr. Jackson:** Mr. Chair, the custom then would be for you to direct the request to the minister on behalf of the committee.

**The Chair:** I'm sure the clerk will take care of all that.

**Mr. Jackson:** Well, it really should be in the form of a motion.

**The Chair:** It's a direction. I'm satisfied. If you want to put a motion, put a motion.

**Mr. Jackson:** No, if you're satisfied—

**The Chair:** The clerk has indicated to me that she will do that. I think we have on paper what you're asking for.

**Mr. Jackson:** Thank you.

ONTARIO PUBLIC SERVICE  
EMPLOYEES UNION,  
DISABILITY RIGHTS CAUCUS

**The Chair:** We'll move on to the next presentation.

Gentlemen, good morning. You may start your presentation.

**Mr. Greg Snider:** Hello. My name is Greg Snider. I am Chair of the Disability Rights Caucus for the Ontario Public Service Employees Union. With me today is Jamie Tocker, who is with the board of directors for the Ontario Public Service Employees Union.

I am here today to represent the Ontario Public Service Employees Union's Disability Rights Caucus. We believe it is vital that government members reviewing these submissions take time to understand the organizations before them. With this in mind, we will start this presentation with a quick overview of the Ontario Public Service Employees Union's Disability Rights Caucus.

Our group is made up of workers with disabilities in the Ontario public service, the broader public service and the community college sector. We believe strongly that persons with disabilities are themselves the best people to represent and speak on their own behalf. For that reason, the caucus is composed only of persons living with a wide variety of disabilities. It is also important to note that within our group a large percentage of us, in our work capacity, provide services to individuals in the disabilities community. We have caucus members working in the Ontario disability support program, in community living programs and in legal aid clinics. We are also union activists and we represent workers. Most of us serve either on a local executive or on an employee-management relations committee or a joint occupational health and safety committee. Nor is our involvement in the disabilities community limited to the workplace.

One of our most active members, John Rae, has already addressed this committee in his capacity as national president of the National Federation of the Blind: Advocates for Equality. My union sister Carol McGregor also spoke to you in Toronto. You may recall her. She asked that everyone at the table mention their names so that she would know to whom she was speaking. I understand from people who were watching or listening to the presentation that the members of the committee were taken out of their comfort zones a little by this action. I don't believe this was her intention; she was just being Carol. She needs to know who it is she's speaking to.

Did you notice that wasn't an issue for John Rae when he made his presentation? It's because we are all different, and our disabilities are different, even though to others they might seem to be the same. Therefore, what we require in terms of accessibility is different. If Ontario is to be fully accessible by the year 2025, there needs to be a quick and effective format for applying the duty-to-accommodate principles to daily living. The

diversity must be reflected in the decisions coming out of this committee and the minister's office.

Since we are an organization made up of workers with disabilities, it should come as no surprise that one of our major concerns with this proposed act is the failure to include any mention of disabled workers. This act must recognize that the majority of people with disabilities want quality jobs with quality wages. If barriers are to fall in Ontario, the economic barrier must be the first target. In order for this to happen, workplaces—and not just the area accessible to the public—must become fully accessible. Persons with disabilities continue to receive substantially lower wages than those of non-disabled workers. They continue to be denied jobs because they do not meet certain standards, standards that have no connection or the most minimal connection to the duties required for the position.

Many people who are injured or become disabled on the worksite have no idea about the employers' responsibility to accommodate. The workers who do understand their rights and have the support of their union still find themselves in a long battle with employers who want nothing to do with a disabled worker. As a result, persons with disabilities frequently end up out of a job that they could in fact perform. What does this proposed act do for these workers? It ignores them. There is no mention of them at all.

Sadder still are the consequences, because it's not just workers with disabilities who suffer, but all those looking for employment. The financial barriers facing persons with disabilities just get larger. This act must have a section that educates people as to their rights under the law, and moreover, it must make it easier to exercise those rights.

As people with disabilities, we are very concerned about the length of time this act allows for the removal of barriers. Twenty years is a very long time, and is made longer when one considers that this time period will cover four separate provincial elections. The significant gap between this act and the original leads me to believe that every election between the passing of this act and its final implementation will necessitate a battle for its survival. The act is made even more fragile as newly elected governments need not change the act itself but simply the members on the proposed sector committees. In fact, this is a long-standing practice of all parties in the House. Replace the socially progressive minds on the committee with a more corporate attitude and the effectiveness of the act is turned on its head, without a single vote being cast or any announcement made.

But even this ignores the most important fact of all: Ontario should already be barrier-free. Every year we delay is another year of injustice to persons with disabilities. In order for this act to be successful, these timelines must be made shorter and the rules around committee membership must be made tighter. Employees must have representation on these committees and these representatives must be people with a history of fighting on behalf of others, even if it is against their own

employer. In my mind, such representatives come only from the labour movement.

This act also needs additional rewording when speaking to representation of persons with disabilities. It must state clearly that the best representatives of persons with disabilities are persons with disabilities themselves. Government-supported agencies that administer government programs may have a financial interest that does not coincide with the needs of the people they are meant to represent. Our history abounds with attempts by able-bodied people to make our lives better, only to find at the end of the day that solutions suited their needs more than ours.

In order for disability-based community groups to be involved, this act needs to provide funding to these volunteer, non-profit organizations. These organizations represent the best voice for people with disabilities. However, they will be unable to fulfill the duties required of them unless there are funds made available in advance to these organizations.

#### 1100

To further assist these organizations, their members must be appointed for the duration of the committee's mandate. The advocates and their organizations must receive financial compensation, and that financial compensation must be stated clearly in the act. To do less will result in a genuine loss: the best and most appropriate voices at the table.

We are also concerned with the ease with which entire sections of the community could be exempted from this act. Not a word to the media nor a vote in the Legislature would be required. A person with a disability who is watching for a community sector to become accessible may only find out after waiting a considerable amount of time that this particular sector was made exempt. He is left to fight for accessibility after the exemption is made. Months, perhaps even years, will have passed by. This is not acceptable. We will not be disenfranchised by acts of omission or commission.

Recently, OPSEU and its members found an even greater reason to distrust the outcome of this act. The act has clearly left a great deal of control to the government, whether in exemptions or appointments. A great deal will depend on this government's commitment to accessibility. This very same government recently tabled its demands for a new collective agreement between itself and OPSEU, the union that represents thousands of workers in the Ontario public service.

In that document, under the heading "Accommodation," is the following line: "Employment accommodations and health reassignments can sometimes create challenges, particularly in smaller centres, and the employer wishes to explore potential solutions."

As a representative of employees with disabilities, I am concerned with what the government means by "challenges" and what kind of "solutions" they are contemplating. At the bargaining table, such language is known as "weasel words." I trust there is no explanation of that required. In effect, this continues a growing trend



in the Ontario public service to back away from an earlier commitment to an accessible workplace.

Internal ministry programs such as EASED, under the then Ministry of Community and Social Services, once provided assistance to accommodate employees. These were axed early in the Harris years. Although Management Board has an accommodations fund to assist with the related costs of accommodating its workers, the fund has in fact become more difficult to access.

**The Chair:** You have two minutes left, sir.

**Mr. Snider:** OK. I'm just about done.

It is hard to believe in the outcome of this act when its authors have so easily dismissed its aims by their own practices.

The current government has also made it harder for persons with disabilities to enforce their right to be accommodated by cutting the staff at the Ontario Human Rights Commission. Almost half of the cases heard by the Human Rights Commission involve persons with disabilities. To be perfectly frank, each one of us in this room knows that fighting for accommodation through the Human Rights Commission takes an extraordinary amount of time, not to mention the perseverance of a superhero. Nonetheless, the OHRC represents one of the very few tools available to pursue our rights, rights that are already codified in legislation. Sadly, the proposed AODA's promised enforcement mechanisms fall far short of what is required to make the act meaningful to the very people who need it most.

This is an act filled with a mixture of hope and promises, but little substance. The government needs to tighten this act by making the timelines shorter and the committee more independent. The act needs real teeth.

Honestly, I am skeptical that this act can achieve its stated goal of a fully accessible Ontario by 2025. Accessibility isn't about buildings; accessibility isn't about programs; accessibility isn't about government. It's about a way of living. Until politicians are ready to pass an act that requires people to develop substantive, meaningful measures to achieve accessibility, there will be no justice for my members or any of us who live with disabilities. There can be no justice until legislation—and its enforcement mechanisms—holds individuals, sectors and all Ontarians accountable when they violate the human rights of their fellow citizens.

**The Chair:** Thank you for your presentation. There's a minute left for Mr. Marchese.

**Mr. Marchese:** Thank you both. You've raised many points. One point I wanted to talk about has to do with the fact that enforcement in this act is very weak. The minister "may" hire inspectors but he doesn't have to; he probably won't. A director "may" review an accessibility report but doesn't have to. There is no one responsible for the administering of penalties—the fines, for example. So it's weak in this regard. And you, if you have a problem with some disability matter or lack of compliance by some corporation, have no rights to go anywhere except the Human Rights Commission, which is underfunded as it is. So the weaknesses are many, in

my view, and you point some of that out. If you want to be able to complain against a corporation that doesn't do what it's supposed to do, where do you go?

**Mr. Snider:** That's the whole issue.

**Mr. Marchese:** What do you think we should do?

**Mr. Snider:** There have to be immediate and quick penalties and quick solutions for the problems that come up. It's just not in this act.

**The Chair:** Thank you very much. That is all the time for the presentation. Thank you again for making the presentation.

## THUNDER BAY AND DISTRICT LABOUR COUNCIL

**The Chair:** We'll move on to the next presentation from the Thunder Bay and District Labour Council. Madam, you also have 15 minutes for your presentation. Good morning.

**Ms. Sara Williamson:** Good morning, and thank you, members of the committee, for coming to Thunder Bay, or being in Thunder Bay, for two of you.

**The Chair:** And vicinities.

**Ms. Williamson:** These hearings are really important and we're happy to be a part of them. We're also very grateful to our brothers and sisters who have made very strong presentations.

The Thunder Bay and District Labour Council represents some 9,000 workers in over 50 local unions. Our members are workers in both the public and private sectors, including educational workers, grain handlers, health care workers, construction workers, maintenance workers, clerical workers, factory workers, miners, retail workers, transportation workers and hospitality workers—a real gamut of worksites.

Many of our affiliates have active committees addressing issues of equity and human rights issues specific to workers with disabilities. OPSEU is a good example. Throughout our history, the Thunder Bay and District Labour Council has been supportive of and has indeed gained a valued resource through the local presence of strong advocacy groups for injured workers and workers from other equity-seeking groups. In Thunder Bay, labour, both unionized and non-unionized, has been fortunate to have these well-informed activists. Unfortunately, many workers sustain irreparable disabilities from injuries or illnesses as a result of their work. The outcome for far too many is unemployment because of accessibility barriers.

Northwestern Ontario, like many largely rural areas, is experiencing population decrease. However, on a positive note, the aboriginal population is increasing and, in fact, is the fastest-growing sector of our population. Within the next decade, it is estimated that 50% of Thunder Bay's citizens will be aboriginal people. Here, a well-written Accessibility for Ontarians with Disabilities Act, or AODA, will be invaluable. Why? Because a 1991 national study reported that 31% of aboriginal adults have a disability. This is more than double the national

rate. The most common disabilities were mobility, agility, hearing and seeing. These demographics underscore the importance of an AODA to ensure that our workforce can get jobs and stay safe and productive regardless of any disability. We have valuable people who can contribute, but there has to be the accommodation.

#### 1110

In preparing this brief, Thunder Bay and District Labour Council met with representatives from the Ontario Federation of Labour, Thunder Bay injured workers, Women Independently Living with Disabilities, Thunder Bay WISE, OPSEU and PSAC. The discussions illuminated areas of importance. As a labour council, we are focusing on a number of recommendations brought up by the Ontario Federation of Labour, which in part was informed by the voices of disability advocates both inside and outside the union structure; in particular, ARCH, which is a legal resource centre for persons with disabilities. We chose to focus on these recommendations because they resonate with our collective experiences in the Thunder Bay and district labour force and labour movement.

People here and throughout Ontario should have the opportunity to make the kind of contribution they would like to make but are unable to because of inadequate or non-existent accommodations at work. Some accommodations can be very simple, very cheap. It just needs a little creativity, some fresh thinking. Many people in Ontario have disabilities, whether from birth or acquired since then, and many of us have family members or friends who have disabilities. These people should have the right to live and work in a province that values them and recognizes this right by legislation.

So, what do we want? Thunder Bay and District Labour Council is pleased that Bill 118 has been drafted. We want the final version to be able to bring marked improvements to the lives of people in the workforce who have disabilities. The amendments that we see are needed concern accountable representation, timeliness and evidence of commitment.

Our major concerns and recommendations are as follows:

Unions must be formally part of the process at every stage. Unions have the history and the nitty-gritty expertise of working for our members with disabilities to have accommodation in the workplace.

Accessibility plans must be bargained in all workplaces. Unions and employers must be required under law to begin this process immediately. The Ontario government, as an employer, should be demonstrating best practices now in the bargaining process with the Ontario Public Service Employees Union. The process of bargaining in the workplace for equity issues worked quite well in enacting David Peterson's Pay Equity Act in 1987; it can be done again today, nearly 20 years later. You sometimes hear employers saying, "Well, we can't hire people with disabilities. The union won't let us." Well, we're saying, "Let's get bargaining on that immediately."

There should be no exemptions in Bill 118. No one can be exempted from respecting the right of an individual to have equal access to a job.

The timelines, as has been mentioned in all the presentations, are too long. A baby born at Thunder Bay Regional Health Sciences Centre today who has or develops a disability would have to wait until she or he is 20 years old to enjoy the full rights of citizenship, including employment opportunities. Easter Seals have stated that there are 180 children in Thunder Bay right now with disabilities. These young people will be ready for work in five or 10 years, but unless Bill 118 is properly amended, we don't know if the workplace will be ready for them.

The purpose clause has to spell out that the AODA is anti-discrimination legislation. That is what will give it teeth in any legal challenge. Saying that the purpose is to benefit everyone, frankly, doesn't cut it. Bill 118 is supposed to remedy the systemic exclusion and discrimination that persons with disabilities have experienced and continue to experience. It's not a motherhood clause; it's specific and should be in there.

Generalities and vague descriptors have to be clarified. This legislation is too important to be left to the cabinet of the government of the day to work out the specifics. One of the areas that is unclear here is the mechanics of having representatives for persons with disabilities. We expect representatives to play an integral part in the implementation of the AODA. We need to have representatives who are accountable to the community and especially accountable to the community of persons with disabilities. How will the community be involved in selecting representation for a broad cross-disability perspective? The act, in this first draft, doesn't say. Provision for payment of expenses and remuneration is essential for the representatives and the disability organizations; otherwise, no one can participate unless they happen to have their own funds for this purpose. Advocacy voices are as essential here as in all arenas of democratic society. Funding for constructive advocacy activities is imperative. Once again, the act doesn't suggest that people will get paid.

Unions must have representatives on any standards development committees—because unions know the work site—to speak on behalf of the employees in the industry sector or classes of persons to whom the accessibility standard would apply to make sure the thing really develops and works.

In conclusion, Bill 118 offers a framework for much-needed change. Some amendments are required in order to ensure results and show that there is a genuine commitment on the part of the government of Ontario. Our priority is to start the bargaining of accessibility plans now in all workplaces to make them more accessible. Keep the vision clear of a healthy and productive 21st-century workplace that accommodates people with all kinds of disabilities.

Here is an opportunity for the government to show some leadership by passing strong, effective legislation



and by establishing best practices that go beyond the legislation. The people of Ontario voted for real change when they turfed out the Tories. This is a golden opportunity to show true grit.

Thank you again for the opportunity to share our thoughts with you. We sincerely hope that the government will listen carefully to the voices raised around the province: the voices of people living with disabilities, advocates for disability rights and union activists seeking improvements in the working lives of people with disabilities. Amend the bill. Give it more teeth. Help build an Ontario that cares about its workforce.

**The Chair:** Thank you. We'll start from the government side, one minute each.

**Mr. Gravelle:** Thank you very much for your presentation. I appreciate the comments you made. In terms of the time frame, certainly the 20-year time frame has come up before. But I think it's fair to say, too, that it's important. This is a piece of legislation that for the first time really removes the barriers not just in the public sector but in the private sector as well, and there are some challenges in making that happen. I trust that you understand that and accept that. Obviously you'd like to see it happen in a shorter time frame, but is there the recognition of a challenge to make sure we do this right, that when we get to the end of the time frame for this legislation, we are indeed a barrier-free society? I guess part of the reason we would say that is, we don't want to get it wrong.

**Ms. Williamson:** I think it's good to keep reflecting on what's being done and having that ongoing evaluation. But there aren't any other milestones set in the legislation. That's why we were just choosing, for one thing, getting at bargaining in the workplace right away. There's no reason to delay that, and that would come up with a lot of answers that would be able to be applied elsewhere too.

**The Chair:** Mr. Miller.

**Mr. Norm Miller (Parry Sound-Muskoka):** Thank you for your presentation today. The goal of the bill is have Ontario fully accessible by 2025, and you've said in your presentation that there should be no exceptions, no exemptions. The last time I was in Thunder Bay, I toured a couple of the forestry mills, one being fairly old. I'm wondering, in the real day-to-day life of a mill, how you make it fully accessible, and what your thoughts are for 2025. What do you envision 20 years from now, and how would it be reached?

**Ms. Williamson:** I wouldn't pretend to have expertise in that area, but that just underscores why it needs to come into the bargaining process between the unions and the employers in the workplace. The unions recognize what has happened to their workers, with the kinds of disabilities they've developed and how accommodations could be made. It's not good enough to just compensate somebody and pretend to have a return-to-work plan that isn't any kind of meaningful return-to-work plan at all. The unions feel that a lot more could be done and are willing to open up talks, and the employers should do

likewise. If it were in the legislation that it should happen, then there's a chance of its happening.

1120

**The Chair:** Mr. Marchese.

**Mr. Marchese:** I just want to comment on your recommendations. First of all, I want to tell you that a lot of deputants agree with you that there should be a provision for payment of expenses and remuneration; many people have said that. Many have also said that the community should have some role in selecting representatives from a broad cross-disability perspective. Many agree with you that the purpose clause is flawed and/or weak—maybe that's purposely done. Many have suggested that there should be language that speaks to anti-discrimination, which is what this issue has been and is all about, but it's nowhere incorporated in the purpose clause. I'm surprised, and I know you and many others are too.

Many agree with you that the timelines are just too long and that the challenge is actually doing something rather than doing very little. This is about dealing with discrimination—we know what the issue is all about—and we should be doing it right away.

I should tell you, Sara, that I think the Liberals have no interest in involving the unions formally, and that the Liberals have no interest in making accessibility plans something that happen in the workplace, which would make sure these things get dealt with. All I can say is, keep at it. There are a couple of Liberals you can lobby on a regular basis up here.

**The Chair:** Thank you very much for coming this morning.

#### AUTISM SOCIETY ONTARIO, THUNDER BAY CHAPTER

**The Chair:** We'll move on to the next presentation, from the Autism Society Ontario, Thunder Bay chapter.

Good morning. You have 15 minutes for your presentation. We do have people assisting us here today. If anyone needs any assistance, please let us know. You can start any time you're ready.

**Ms. Michelle Murdoch-Gibson:** I'm Michelle Murdoch-Gibson. I'm president of the local chapter of the Autism Society Ontario. There are 31 chapters across the province. I represent not only them but also my two sons, who are on the autism spectrum.

I applaud the courage and strength required of the people with disabilities who are here advocating on their own behalf, but today I speak on behalf of those who cannot speak for themselves, either because they cannot speak at all or because the social and sensory impairments they suffer from preclude their participation in a forum such as this.

First I'll tell you a little bit about the autism society. The ASO seeks to provide information and education, supporting research and advocating for programs and services for the autism community. Our vision is acceptance and opportunities for all individuals with autism

spectrum disorders. The ASO's mission is to ensure that each individual with ASD is provided the means to achieve quality of life as a respected member of society.

We have six key areas of focus: advocacy and support, research, best practices, government relations, public awareness and governance. Our values include respect and support for family and individual choices, informed families, integrity, confidentiality, commitment to continuous improvement, universality and the support of research.

"Pervasive developmental disorders" is the diagnostic term used to refer to the more popular term, "autism spectrum disorders." It is a spectrum; there are a number of disorders that fall within that spectrum, including autism disorder, childhood disintegrative disorder, Rett syndrome, PDD-NOS and Asperger syndrome.

Autism spectrum disorder is estimated to affect between 20,000 and 70,000 people in Ontario today. It is one of the most common developmental disabilities, with prevalence estimates as high as one in 165 people. The number of people being diagnosed with ASD continues to increase dramatically.

ASD is a hidden disability. All people with ASD have problems in the areas of social interaction and communication skills. There is a wide range of ability levels among people with ASD, and communication challenges can range from mild to severe, with approximately one third of people with ASD remaining non-verbal throughout their lifetime. A majority of people with ASD have a significant level of cognitive impairment, although those with Asperger syndrome have more normal levels of cognitive functioning.

I'll give you a quote now from Temple Grandin in her 1995 *Thinking in Pictures* publication. It speaks to her own personal experience as a child. "I can remember the frustration of not being able to talk at age three. I could understand what people said to me, but I could not get my words out. It was like a big stutter, and starting words was difficult. I can remember logically thinking to myself that I would have to scream because I had no other way to communicate."

There are barriers for people with ASD. Regardless of functioning level, people with ASD face significant barriers to participating in the mainstream of Ontario life. Things that other people take for granted remain elusive for many people with ASD: appropriate education, employment, leisure activities, supported or independent housing for adults.

It is the view of Autism Society Ontario that much of the current legislation, including the ODA, 2001, does not adequately address the needs of people with ASD. How will the ODA make a meaningful difference in the lives of people with ASD? The ODA overwhelmingly addresses barriers in terms of physical barriers, but there is little emphasis on the types of attitudinal barriers and policy barriers that constrict the lives of people with ASD.

In order to make Ontario a barrier-free place for persons with autism spectrum disorders, changes need to

be made to government policy in four key areas. We've identified these areas as being housing, day programs, the Ontario disability support plan and education.

**Housing and residential services:** Historically, most children with autism spectrum disorder were institutionalized at some point during their childhood. This is no longer the case. Most children with ASD remain with their families throughout their childhood, and very often, throughout their adulthood. The majority of adults with ASD are not able to live independently. While many ASD adults continue to require a high level of assistance with basic activities of daily living, such as dressing and personal hygiene, adults with Asperger syndrome and more able levels of ASD may be unable to manage the more intricate aspects of independent living, such as household budgeting and maintenance, or to develop the social relationships necessary for functioning in society. Challenges in understanding the motivation and intention of others impact on their daily interactions, such as paying bills or dealing with salespersons. Developing and maintaining relationships are crucial to successful independent living and are a significant barrier for individuals who are cognitively more able but who experience difficulties with social understanding.

There is currently a waiting list of many years to access residential services across the province of Ontario. Many adults remain in crisis at their family home for years. There are many adult parents over the age of 65, often in poor health themselves, looking after their adult children with ASD. When both parents are deceased, the adult with ASD is moved into any of the available residential placements, including locked wards in psychiatric hospitals, long-term-care facilities for seniors, or other placements unsuitable for adults with ASD.

If the goal of the ODA is to encourage meaningful participation of people with disabilities in the community, then it must address government policies that fail to provide for adequate residential housing services and recognize that appropriate housing and residential services for adults with ASD are essential if adults with ASD are to be participants in this community.

Adults with ASD require a range of housing and residential service options. Some higher-functioning adults could function fairly independently, with assistance only for budgeting, food preparation and household maintenance. Other adults will require more intensive support of the kind that can be provided in group homes with some staffing assistance. Some adults with ASD will require one-to-one care for most of their lives in highly structured environments.

Some examples of excellence in residential supports for adults with ASD in Ontario are Woodview Manor in Hamilton; Kerry's Place has various locations throughout southern and eastern Ontario; certain placements with Community Living Ontario; and families creatively supporting their adult children through individualized funding.

**1130**

The importance of appropriate housing for adults with ASD cannot be underestimated. The lack of appropriate



adult housing precludes full participation in the community by both the elderly parents of the adult with ASD and the adult with ASD himself. Living at home with elderly parents is often a prescription for isolation and lack of meaningful daily activities for both the parents and the child.

After most adults with ASD leave high school at the age of 21, there is no place for them to go. They do not participate meaningfully in community life; they are stuck at home, socially isolated. They have limited financial support, limited availability of trained workers who can help them participate in the community, and they have limited access to activities in which they have the skills to participate.

Government policies must not fail to provide adequate funding for community support agencies. Existing programs have waiting lists of several years. Many provide service only for clients who are also receiving residential services. Policies of some community agencies may discriminate against people with severe autism, and those who require higher levels of assistance or those with behavioural problems are often barred from attending these programs.

The level of financial support received through the Ontario disability support program has not changed substantially in the past 10 years. The lack of increase has increased financial hardship for persons dependent on this funding and created barriers to participation in community activities to people with ASD. The policy of decreasing ODSP payments as earned income increases penalizes people with ASD who want to work but are unable to work full-time or at jobs that provide adequately for their needs.

Adults with Asperger syndrome face unique challenges to employment. They have some valuable employment skills but still need assistance in obtaining and maintaining jobs. Because of their difficulties with social understanding and social skills, most of these adults may not perform well in job interviews and have difficulty getting hired or, once hired, may be able to perform the work tasks but have difficulty keeping the job due to their inappropriate social behaviours.

Many adults with ASD struggle with difficulties, such as high levels of anxiety and higher rates of mental health challenges such as depression and obsessive-compulsive disorder. These additional disorders may result in unintentional and inconsistent performance in employment situations.

The ODA could recommend guidelines and meaningful procedures for ODSP that would make it more meaningful for adults with ASD. The Ontario disability support program provides a separate income and employment support program for eligible people with disabilities. It removes people with disabilities from the welfare system and provides them with assistance that recognizes their unique needs.

The ODA could work to alleviate these problems by helping companies to understand invisible disabilities. People with ASD would also benefit from programs that

would help them understand their rights in terms of employment and discrimination and would help include job interview assistance and job coaching. Assistance from a specialized employment agency would be beneficial. An example of this is an agency in southern Ontario called Mission Impossible that specializes in helping people with ASD find jobs that match their abilities.

ASO's submission to the Ontario Human Rights Commission on education in October 2003 identified four major barriers to appropriate special education for students with ASD. These four key barriers are: The appeal process under the Education Act presents a significant barrier to the appropriate special education programs and services; the lack of knowledge of the disability and the lack of specialized training on how to effectively work with and teach students with ASD is another barrier to education; the funding formula for special education discriminates against some students with ASD; and the enforced short- and long-term absence from school for many students with ASD also creates a barrier to education.

ASO recommends four key solutions to these barriers:

(1) The Ministry of Education and school boards must operate under the statutes, regulations and codes that are meant to protect Ontarians with disabilities.

(2) In the event of non-compliance, parents must have meaningful recourse to a remedy, a timely and just process that will ensure the student's progression through the school system.

(3) The legislation and subsequent regulations of the Education Act must adhere to the principles of accessibility for the disabled student. Necessary accommodations include the following:

All school boards must offer a full range of placement options, ranging from full integration with support, as necessary, to full segregation in order to meet the diverse needs of students with ASD.

Programming based on ongoing and continuous assessments, with input from parents and a wide range of professionals;

Specialized communication programs, designed by speech and language therapists knowledgeable and experienced in programming for students with autism spectrum disorders, and implemented by trained staff, for all autistic students who require this;

Academic, social skills and behaviour modification programs designed by professionals experienced in the use of behavioural principles to teach children with ASD;

Curriculum material and equipment designed and appropriate for students with ASD, available across the province;

Mandatory ongoing training for teachers and educational assistants who work with and teach students with ASD, available across the province;

Special skills and service dogs, where necessary, for students with ASD, to provide safety, communication, socialization and anxiety therapies.

**The Chair:** Your time is over, but if it's only that section—

**Ms. Murdoch-Gibson:** That's it.

**The Chair:** Then go ahead, please.

**Ms. Murdoch-Gibson:** Finally, the Ministry of Education must fund special education to a level such that the school boards can provide students with ASD with the services and supports they require in order to have equal access to education.

To remove barriers for students with ASD within the education system, the ODA must make the removal of barriers mandatory. This must apply not only to barriers that limit physical access. Limited access to appropriate education because of attitudinal barriers, communication barriers, accommodation policies and funding policies of both the government and the school boards must also be addressed.

**The Chair:** Thank you very much for your presentation. We will have to move on to the next presentation. Again, thank you for coming here this morning.

#### THUNDER BAY AND DISTRICT INJURED WORKERS' SUPPORT GROUP

**The Chair:** The next presentation is from the Thunder Bay and District Injured Workers' Support Group. Steve Mantis, please.

Mr. Mantis, you can start any time you're ready.

**Mr. Steve Mantis:** Thank you, Mr. Chairman, and thanks to the members of the committee for travelling here to Thunder Bay.

I want to start by saying that we support this bill and the intent behind it.

I should step back here and be a little bit more polite. On my right is Filomena Simone, who's a member of our board of directors, and Robert Guillet, who is vice-president of our board of directors.

The Thunder Bay and District Injured Workers' Support Group is a voluntary organization. We're now in our 21st year. We have two main goals. One is to provide information and support to workers with disabilities, and the other is to try to make the system for injured and disabled workers work better for everyone.

I'd refer you to our brief, where we have a little bit of information in terms of what it's like to be an injured worker. I would specifically refer you to page 10, which was a survey we did two months ago here in Thunder Bay of workers who have a permanent disability. We found that 79% were unemployed and that 68% were suffering from depression. That's the percentage who admitted they were suffering from depression; I'm sure that a number of them wouldn't admit it. Twenty-five per cent said they had considered committing suicide after their injury and disability.

Clearly, here are people who have a link to the workplace, who have work histories, who have relationships with the employer. Once you become disabled, you're pretty much surplus. You're thrown on the garbage heap. While other people with disabilities know this already, to workers who become disabled during their working career, this is all new, and of course, you can see the

impact that can have on a person. We've seen—and it's just anecdotal—the number of family problems and lost marriages following this kind of stuff.

1140

We've been doing this for 21 years. It's interesting to see that this bill is to go for 20 years. Well, over 20 years ago we sat before a committee like this, and we've been talking for 20 years. The system isn't getting any better; the system's getting worse. So talk is good; we support that. We sit around and we talk about this stuff and we try to figure out ways to make it better, but I think we see, as well, that it takes more than talk. So when we say we support this bill, we do that with the hope that you can bring forward some amendments that will close some of the loopholes, that will make this bill more powerful.

Personally, I went to school and studied history. So a lot of what of perceive is from looking at the past and trying to see how that affects the future. I know a lot of you haven't been around in the House for 20 years or more, but we wouldn't be here today if it weren't for people with disabilities and their organizations lobbying you guys and fighting for disability rights.

You know, the 10 years of the ODA committee—and we've been involved in that on this level—it was other people. From lobbying government to lobbying service providers, the people in this room can tell you we've been working in this town for 35 years to get people to shift the attitude from, "Once you're disabled; you're a charity case," to being able to live independently. We're not there yet. We talk about Thunder Bay as being one of the most accessible communities, but you've heard today that we're not there yet.

What I've seen too, in terms of history, is what is said and what is done. We've seen a lot of great language coming from all three parties about how we're going to make it better for disabled workers. And what do we see? We see the system getting worse. If you look at the numbers we've supplied in the brief, from the best research that has been done, the biggest studies, over 50% are unemployed once they become disabled at work. The new system that we've had in place for 15 years now shows that less than 20% of people with a permanent disability who get hurt at work are receiving benefits. This is better? So less than 20% are receiving benefits; 50% are unemployed. So this is better? This is where we're going?

I would ask you to reflect on who's here today. Who's making presentations? When I look at the list, almost everyone here has disabilities. They're the ones who care about this issue. Yes, there is support and people say good things otherwise, but it is the people who live with it day in and day out who are committed to this issue, and if this bill doesn't support that and doesn't have in place mechanisms that involve people like the people in this room presenting, where are we going to go? Who's going to be fighting for our rights? Are you guys going to do it? Are you going to sit in these things and fight for our rights? I don't know. I know the people here who've been doing it for 10, 15, 20, 25 years will.



It's really interesting, because if you look at history and you try to figure out what's going on around the world, you see that the United Nations has dealt with this issue. Ten years ago they printed a paper and last year I quoted—they have another paper, that came out. They have said that if you want to have inclusive communities, if you want to provide good services and programs for people with disabilities, you have to involve them, not as individuals but as organizations where there is a representative structure. So the person with a disability at the table is not just Steve Mantis, who has his own grudge to push, but I have a system where I'm elected and I represent a larger group of people who are there to tell me when I'm going wrong and when I'm going right, and the government has an obligation to support those organizations to do just that. This bill doesn't talk about that at all. That's one of the keys to success. Look at history; think about it. Look at the United Nations, look at the World Health Organization and the ILO, who all worked together on this paper, and that's what they said.

On the bill itself, others have gone into much greater detail. We need more clarity. It talks about employment; this bill covers employment. I can't figure out where or how. I'd love to know that. Once again, when you look around the world, when you look at who in fact has been successful at increasing and maintaining employment for people with disabilities, it's Germany, and you notice that Germany certainly doesn't seem to be suffering a great deal because they employ people with disabilities. They don't do it by sitting around talking about it. They have very clear rules on how it works. Six percent of all employees need to be people with disabilities. If you have 100 employees at your workplace and you don't have six, if you only have five, every month you pay a fine of ¥200. So every month you get a bill that's a reminder. You have a choice. You don't have to do it, but it's going to cost you if you don't. That money goes into a fund that helps people with disabilities with employment, with accommodations, with training, with counselling.

In this bill there is the creation of a special fund where there are administrative penalties for people who don't live up to the standards. We suggest one use of that fund could be to support advocacy organizations so that they can play a key role here. We need to find ways to support the organizations that are going to make this happen.

Lots of times it's a matter of economics: "We're going to do it if it doesn't cost us anything. We think it's important that you have equal rights and you have equal access." If we look at injured workers right now—I'm on a disability pension. My pension has decreased in value in terms of its buying power by 20% in the last 10 years. Disability equals poverty. Here in this House are the ones who said, "You don't need this money. You're OK. You may be unemployed, but someone will look after you somewhere." We're looking to you guys to take the lead here. Yes, it costs money. Yes, it does. These are the tough choices that you have to make. If you won't want us living in poverty, then you have to take a stand. You

have to stand up and say, "No, this isn't the way we want to treat people in Ontario. We want to treat them so that there is inclusivity."

**The Chair:** Three minutes.

**Mr. Mantis:** Similarly, and it was raised here today, we hear all the time that many people with disabilities, injured workers, need physio treatment, chiropractic treatment, massage treatment. WCB says, "No, we can't pay for that stuff. This is chronic. We'll only pay for it for just a little while after your injury and then that's it." Now we've just lost access to a lot of that stuff because of finances. Decisions have to be made; we appreciate that. How come we're the ones on the losing end?

If you look at how the compensation system works, over the last 10 years rates have gone down 30%. Some 10% of employers in this province employ 70% or 80% of the workforce. They got back \$500 million a year over the last number of years. We've been losing money as disabled workers. What's going on here? There's not enough money, but here are these big guys who are already making profits and have nice cars and chauffeurs and all this stuff, and they get \$500 million a year. We get nothing. How does that work? "There's not enough money." Enough money for what? History shows that there are some problems here. We're looking to you guys to take the lead and set this right.

**1150**

The last thing we want to say is that we need a mechanism for evaluation and monitoring. Once again history has shown us—15 years ago I was appointed to the board of directors of the Workers' Compensation Board. It was the first time a representative from injured workers was appointed. At the first meeting I said, "We need to measure outcomes for workers. We need to follow and see what happens. If we don't do this, we don't know how we're doing." Fifteen years later, at every meeting I go to I raise this issue. It's still not in place. Why? One would suspect it's because the outcomes are so bad that we don't want to tell anybody. So let's not really pay attention. Let's say we're all doing a good thing but not really count the numbers. We need a mechanism to monitor it and measure outcomes so that we can see whether in fact we're achieving what we're setting out to achieve.

With that, I leave the challenge with you. You are the ones who are going to make those choices. If you need any support or encouragement, give me a call. We'll be right there.

**The Chair:** Thanks very much. There's only one minute, and that will be to Mr. Miller.

**Mr. Miller:** Thank you for your very interesting presentation. I have a question about Germany. I was intrigued by your information about the German program. You said that 6% of the workforce for any given business must be a person with disabilities. It does sound like a program that has some merit.

I would also assume that that's a federal program across all of Germany. How would you see this as being the provincial government's role? Do you think that's

something that should be federal in Canada as well, if we were to adopt a program along those lines?

**Mr. Mantis:** I think it could be either federal or provincial. Back in 1992 or 1993, the government of the day was looking at employment equity legislation. In fact, during that time they commissioned a study to look at the European and, I think, the Japanese jurisdictions and they came back with some of this research. So I think it could be either federal—

**Mr. Miller:** If I could ask legislative research to get some information on this German law, that would be appreciated.

**Mr. Marchese:** Just review the Employment Equity Act a little bit. That might be helpful.

**The Chair:** OK. Thank you very much for your presentation.

#### LAKEHEAD DISTRICT SCHOOL BOARD

**The Chair:** Can we then move to the next presentation, from the Lakehead District School Board. You can start any time you're ready.

**Ms. Jennifer Adams:** Good morning. My name is Jennifer Adams. I'm superintendent of school services with Lakehead Public Schools here in Thunder Bay. Beside me is Rod Bessel. He's the manager of property services.

Mr. Chair, on behalf of Lakehead Public Schools, I would first like to thank this committee for the opportunity granted to make comments on the proposed Bill 118 respecting the development, implementation and enforcement of standards relating to accessibility.

As an obligated sector, the Ontarians with Disabilities Act, 2001, has had, and the proposed Bill 118 will continue to have, an impact on our operation. We recognize that Bill 118 clarifies several issues of the original legislation, including scope and the notion of the spirit of the legislation. Lakehead Public Schools supports the intent of this government's direction.

Lakehead Public Schools: our commitment to accessibility. Similar to the stated purpose of the act, Lakehead Public Schools is committed to the continual improvement in access to school board facilities, programs and services for students, staff, parents and guardians, volunteers and members of the community with disabilities.

Lakehead Public Schools has demonstrated this commitment by establishing a system-level accessibility work team; establishing active accessibility working groups at individual sites; consulting with people with disabilities in the development and review of our annual accessibility plan; ensuring that our school board policies and procedures are consistent with the principles of accessibility; improving access to facilities, programs and services for students, staff, parents, guardians, volunteers and members of the community; and participating willingly with other obligated sector members within our community on the Thunder Bay accessibility committee.

In the short period of time since the passing of the Ontarians with Disabilities Act, 2001, Lakehead Public

Schools has been actively working on accessibility issues:

—We are currently completing our second-year survey of all long-term viable facilities. This process has been facility-based, utilizing over 70 committees and the efforts of approximately 560 individuals. School-based committees have included principals, facilitators, special education teachers, classroom teachers, custodians, student council representatives, students with disabilities and parent members of school councils.

—Lakehead Public Schools has an active accessibility working group. This committee has invested a considerable amount of time establishing a priority list for improving accessibility in Lakehead Public Schools. Priorities have been clustered into milestones and defined to reach the board's stated accessibility objectives.

—Lakehead Public Schools has its accessibility plan posted on the board's Web site.

—Lakehead Public Schools has participated with other obligated sector members on the Thunder Bay accessibility committee in publishing in our local newspaper a description of the success of our year one activities, a list of contact names and instructions for locating each member's accessibility plan.

—During the last several years, there have been a number of projects at Lakehead Public Schools aimed at identifying, removing and preventing barriers to people with disabilities. They include the ramping of entranceways, the installation of a chair lift and the installation of universally accessible washrooms at Vance Chapman Elementary School; and, in years prior, the ramping of entranceways, the installation of elevators and renovations to provide universally accessible washrooms at Agnew H. Johnston elementary, Forest Park elementary, Westgate secondary, Heath Park elementary and Five Mile elementary schools.

Indeed Lakehead Public Schools is committed to the spirit of the legislation in establishing barrier-free schools, but we do have some concerns with the proposed legislation.

We believe there is a need for clarification for the scope of the term "fully accessible." Does it mean that each school is to have one accessible entrance, wing and floor, or does it mean that every entrance, wing and floor must be fully accessible? Does it mean that one washroom must be accessible or that all washrooms are to be accessible? Can a school board be compliant by demonstrating that some schools are fully accessible or does the government aspire to have all schools fully accessible? Building code issues will arise as renovations to historical buildings are required. The legislation defines persons with disabilities to include mobility, vision and hearing impairments. School boards will need to know the definition of "fully accessible" in relation to all disabilities. The expanse of the work is truly vast.

Significant funding will be necessary to enable school boards to begin in any substantial way the required work to complete the mandate of the legislation. To date, we have heard of no new funding announcements to



undertake the task of moving toward barrier-free schools. Renewal dollars are already extremely tight in most school boards across the province. Currently, school boards receive approximately \$100 for each elementary student and \$130 for each secondary student per year to maintain their buildings. In an elementary school with a capacity for 400 students, a school board would receive approximately \$40,000 for the year to maintain the school. Given that replacing windows for a school that size costs approximately \$60,000, the board must save for a year and a half and incur no other maintenance or capital costs in order to pay for this one capital project. A new roof for the same school requires five to 10 years of savings.

These calculations are with the assumption that the school is full to capacity. The reality in many schools in northern Ontario is that declining enrolment has led to schools functioning well below capacity. If this same school in northern Ontario has a population of only 200 students, then new windows require three years of the funding allocation and the new roof requires 10 to 20 years of funding. Now factor in that school boards with declining enrolments have a preponderance of aging buildings. Without a doubt all school boards, particularly those in areas of declining enrolment, will need substantially increased capital funding to provide barrier-free schools.

Some potential solutions: School boards are faced with a significant dilemma. They must demonstrate compliance with the Ontarians with Disabilities Act and Bill 118 with a single source of funding—the Ministry of Education—and no other potential for raising capital dollars, i.e. mill rates or fundraising.

One suggestion is for the Ministry of Education to provide renewal dollars based on the age of buildings. There is a strong correlation between the cost of renovations and the age of a facility. If children, staff, parents and community members from all parts of the province are to equitably share in the right to have accessible schools, then differentiated funding for this initiative is essential.

**1200**

The additional requirement of barrier-free schools renders many more buildings prohibitive to repair. In some cases it's simply less expensive to build new than to try to retrofit old buildings. This new requirement of barrier-free access makes it all the more necessary for all school boards, not only those in growth areas in southern Ontario, to continue to be able to renew their fleet of schools in a cyclical manner. A second suggestion would be for the Ministry of Education to ensure that the new capital funding formula allows all school boards the flexibility and appropriate financing to build new.

Conclusions: It's our sincere hope that Lakehead Public Schools has demonstrated today our desire to be operationally compliant with the spirit and intent of the Ontarians with Disabilities Act, 2001, and the proposed Bill 118. Given the assurance of appropriate levels of funding to complete the required capital projects,

Lakehead Public Schools is committed to working closely with the government of Ontario to implement this important act and bill.

On behalf of Lakehead Public Schools, I thank you for the opportunity to provide input. We look forward to playing our part in providing barrier-free schools for the citizens of Thunder Bay and surrounding area.

**The Chair:** We have about two minutes for each group, and I'll start with Mr. Marchese, please.

**Mr. Marchese:** Thank you both for coming and for outlining some of the funding problems you're already having to deal with and that most school boards have had to face for quite a long time. And it's not getting any better; it's going to get worse. I think I understand your commitment to the bill, but you're pointing out that there will likely be expenses that boards will have to incur, depending on how the bill is defined in terms of fully accessible, and that you anticipate there will be costs. In your mind, there will be costs. One way or the other, someone is going to have to pay for it. You're also mentioning that school boards won't have access to dollars to do it, except and if they come from the provincial government. You made some suggestions, but your hope is that the government will put in some money to help the school boards, otherwise you will be further in trouble. Is that not the case?

**Ms. Adams:** All of our funding comes directly from the Ministry of Education, so we are 100% dependent on those capital funds to be able to do this work. If the intent and the spirit of the legislation are to have fully barrier-free, accessible buildings, we are absolutely ready to do that work, but we need to have the funding to be able to do it.

**Ms. Kathleen O. Wynne (Don Valley West):** Thank you for coming here today. First of all, I work with the Minister of Education, I'm one of his parliamentary assistants, and I just wanted to acknowledge that there are huge problems with facilities in all the school boards around the province.

**Ms. Adams:** Absolutely.

**Ms. Wynne:** Especially, as you said, school boards with older buildings. I think you know that the minister is working on a revision to the funding formula and there will be an announcement fairly soon about how that's going to change.

You raise a really good issue, and I wanted to get a sense of how you've dealt with it to this point. You ask what exactly it's going to mean to be fully accessible in terms of school boards. My assumption is that you and the other school boards in this province will want to be part of that discussion on standards development, because the point of this bill is that we develop a standard that's province-wide. What's your sense of what would be reasonable in terms of a standard for a school board with old buildings?

**Ms. Adams:** To this point, we've been dealing with that dilemma at the local level. At the board level we have an accessibility work team that has been defining some milestones that we will try to reach. We haven't put

timelines and we haven't put targets on those timelines, because we don't know the funding that will be available.

**Ms. Wynne:** Have you identified schools in families of schools that would be accessible? How have you done that?

**Ms. Adams:** We're looking at a number of things. Any new buildings that we have in our jurisdiction will be absolutely 100% barrier-free. Where we are putting additions on to buildings, those additions will be absolutely barrier-free, to make sure that there's one entrance and one set of washrooms accessible. For our current buildings that are not having significant renovations, we're looking at what would be the absolute criteria. We're looking at moving toward one entranceway, one set of washrooms, making sure that any of our buildings at least have that minimum and then building toward the milestones as we go through. Our intent in the long term is to be able to turn over the fleet of schools and to be able to say, at the end of the day, "All of our buildings are 100% accessible."

**Mr. Miller:** Thank you very much for your presentation and for outlining the unique challenges with northern schools. In fact, you've had to close or are in the process of closing a number of schools in this area. Is that correct?

**Ms. Adams:** Yes, it is.

**Mr. Miller:** How many schools?

**Ms. Adams:** There are seven school closures coming for 2005.

**Mr. Miller:** And that's in large part because of the declining enrolment—

**Ms. Adams:** Absolutely.

**Mr. Miller:** —but also tied in with funding, as you were pointing out.

**Ms. Adams:** We're really looking to make sure that we have positive programs going on in our schools. We had a situation where we had 4,000 empty student places. For program reasons, funding reasons etc., we have restructured our schools to make sure that we can provide high-quality programs in them. One of the aspects of high-quality programs is making sure that students with disabilities can come into those buildings. We know that the connection between parents and children and the effect that has on student achievement is incredibly important, so we want to make sure that parents who have disabilities can get in and be present in our schools. And, of course, the community connections. All of those things are critical to student learning.

**Mr. Jackson:** Jennifer, I want to thank you for your presentation. Your accessibility committee internally has been operating for two years now?

**Ms. Adams:** Yes.

**Mr. Jackson:** And you file an annual report publicly?

**Ms. Adams:** Yes, we do.

**Mr. Jackson:** You realize that under this legislation, that auditing function will be removed, so you will no longer have to perform those functions.

**Ms. Adams:** We will continue to monitor those. It's the right thing to do. We will continue to bring updates to

the board regardless of whether or not we are required to by act. This is an important learning piece in our schools, and we will continue to bring that information forward to our elected trustees on a regular basis.

**The Chair:** Thank you very much for coming.

#### PATRICIA SEED

**The Chair:** We'll move on to the next presentation from Pat Seed. You have 15 minutes for your presentation. Whenever you are ready, please proceed.

**Ms. Patricia Seed:** Good morning, distinguished officials, committee members, colleagues and friends. I would like to talk with you about a disability that is not usually recognized as one that needs special attention: the disability of total blindness. I did not intend to have people with me on this presentation, but I feel that having Annie here as well, who has worked with me on a day-to-day basis, and also having Jeff Harriman here, who is one of our students working at Persons United for Self-Help, really can give some credence and some understanding to you.

In order for me to show you what I see or don't see, what I'd like you to do is close your eyes, please. I know this is not a usual thing to do, but I'd like to simulate this, and if you wouldn't mind participating, I would really appreciate it. Make your hand go in front of your eyes from left to right, with your eyes closed. Now, may I ask anyone around the table if you saw anything, or if you envisioned anything going in front of your eyes, or what changes did you see?

1210

**The Chair:** Anyone?

**Ms. Seed:** Anyone. Any changes at all?

**The Chair:** Mr. Mauro, you're the local MPP. Do the honours, please.

**Ms. Seed:** I had asked you to go like this—

**Mr. Mauro:** A bit of a shadow change, a bit of a light to dark—

*Interjection.*

**Ms. Seed:** That's right, yes. The reason that you do see the light is because when your hand is in front of one eye and your eyes are closed, there is no light that can go through that hand, yet light can go to the other eye.

The situation is that I was born blind. I was taught Braille. With all of the technology—and I'm not saying the technology is not good; it's extremely good, because it's enabling us to go through work faster, to be employed more, although people who are totally blind are one of the most chronically unemployed groups. However, what happens is that at whatever time a person needs to start using Braille, they need to know how to spell and they need to know that it's not just the screen reader or the audio or the people reading to them or the spellcheckers that are going to make the difference; people need to be able to use Braille.

One of the things I can tell you is that in my own use of Braille, I can skim down to different aspects of what I'm reading. Before—I don't know if any of you were



looking—I was going down the pages pretty quickly, finding out where Annie was when I was presenting.

If you look at the Braille page that you have in front of you—do you all have that? OK. If you look at the bottom two lines, you'll see where the next-to-last line has the one dot. That's the letter A, and if you were to go all the way across, you would end up with the letter M at the end of that line, and then the next line has the letters N through Z.

I'm going to show you a search technique here. This is a portable note taker; this is a Braille Lite. These are not affordable for people, only for programs. These are \$4,000. Fortunately, employment support some years ago was able to assist in the provision of this. However, things have changed, and the items are more useful and more Windows-oriented; the Braille Lite is basically DOS-oriented. As you know, Michael Gravelle is very active in this community, so I'm going to put in a "find" command and I'm going to try and find Michael Gravelle's office number in my file here. I'd like you to be able to, at the same time, see if you can read that first line of Braille, using the letters that you see at the bottom of your sheet. The prize is a smile.

The first sign that you see is a capital sign. That's actually before all of the words. OK, I have it here: "Michael Gravelle, MPP, Thunder Bay-Superior North riding." The phone number is 345-3647, the fax is 345-2922, and the e-mail is michael-gravelle-mpp—it's quite a long one; sometimes dashes and underscores look the same in Braille—and I do have the address here.

Was anyone successful in reading that first line?

**The Chair:** No answer at this time.

**Ms. Seed:** You see, the thing is that basically as you were told as youngsters—

*Interjection.*

**Ms. Seed:** Yes, you're correct; "dog" is correct—this is the letter O. I'm drawing this as you would be facing it. This is the letter L.

When I went to school, the Braille that I learned was what you see right here. I am really concerned that there is going to be a loss of this art, a loss of reading Braille, and that therefore there would be a loss of access for people, whether it's only three people out of 20, whether it's only one person in a certain area. You know that accidents and various illnesses can happen that can change our lives so dramatically in a split second. If it comes to the fact that vision is one of the things that is lost, what do people have to go back to? How can they label their items?

I know that I'm wearing matching clothing because someone has helped me do that. It's very interesting that there is attendant care for people who use wheelchairs, for people who need lifting assistance and so on and so forth, and yet there is not any kind of attendant care, or even the insight for it, for people who are totally blind or unable to read print.

We have mail coming in at home. As you know, I told you I'm currently the executive director of Persons United for Self-Help, and that involves using the com-

puter, the screen reader, searching. All the things you do with a mouse on the computer are done my way by keystrokes, by knowing that because I'm using the JAWS for Windows screen reader, Windows key "M" is going to bring me to the desktop.

I would really encourage you not to just take all of this information back with you and say, "What do they need?" I understand there's something before you to do with David Lepofsky. I believe he should be on this committee, as well as a couple of other people who are disabled, so that you will be able to get the information firsthand, and that those people would then lead groups in different areas of Ontario to be able to get the information to have the dialogue so you know what the real issues are. That is the only way you can act. You can only act if you know what the real issues are; otherwise, it's just talk.

What you also have there is my contact information. If you look underneath my address, I have been given a beta tester conference room, and I will tell you now that it is open for anyone in Ontario to use. It is going to be open from 10 to 4. We will make sure it is manned. It is now being used between the two places where I work: at home and also at Persons United for Self-Help; I have to do some of the work at home because my ears really need to hear what the computer is saying and so on and so forth, and what the scanner is reading. I need verification of some of those things by people who can see. If I don't label things, I have a drawer full of paper and nowhere to go, nowhere to figure it out. If you opened a drawer full of paper that had no labels on it, or you couldn't pick up a pen and write and couldn't grab that piece of paper, would you feel comfortable?

**1220**

That's basically what I would like to bring out to you. Also, in the interest of Braille, one last thing: I would like to see that Braille is provided for people because of literacy—I'm running into a tight deadline. Often, I do things for the community. I've been volunteering in Thunder Bay since 1981, and I have, through the assistive devices program, part of the money for a Braille printer, but I can't even do my own business cards right now because they don't make the Braille printer I have any more. It only requires tractor feed, and it doesn't Braille on both sides of the page, which is not environmentally friendly, in watching things like that happen. As well, it does not have sheet-feed.

I can help give to people in northwestern Ontario or Ontario the Braille they need because I read it. The thing is, I have seen some bank bills and bank statements that do come in Braille, and I applaud this. But sometimes things are cut off, and they don't even realize it because no one goes over it who can read Braille.

**The Chair:** Thank you.

**Ms. Seed:** Are we out of time?

**The Chair:** Yes. You are just over the time, unless you have something quick.

**Ms. Seed:** I just would like to ask Annie and Jeff if they had any additional comments.

**The Chair:** I think we're over time. I thank you.

**Ms. Seed:** OK. Thank you.

**The Chair:** Thank you very much again for coming. We have ended the morning session. We will be back at one o'clock to continue with the afternoon session.

*The committee recessed from 1225 to 1307.*

#### SHARON BJORKLUND

**The Chair:** Good afternoon. We will start our afternoon session. Our first presentation will be from Sharon Bjorklund.

Allow me to make some things clear since we are starting the afternoon session. I'll just go over what we said this morning. Just so you know, in addition to the French-language interpretation, the meeting is provided with closed captioning, and a sign language interpreter is available as required. We also have two support service attendants available for anyone in the room who may require personal assistance during the day. These hearings are taped, so they will be broadcast and then Webcast. Today will be broadcast on the parliamentary channel on cable TV on Wednesday, February 9, and will be Webcast the same day. The newscast of all meetings is available at [www.ontla.on.ca](http://www.ontla.on.ca). All the meetings will be archived for the month of February.

At this point I would ask that you start, if you're ready, please.

**Ms. Sharon Bjorklund:** I would have to ask, as a point of access, that the committee try not to interpret when I'm looking down because I can't read the screen and my presentation at the same time.

**The Chair:** OK. Thank you. We will do that.

**Ms. Bjorklund:** Good afternoon. Thank you for the opportunity to speak to you as a private citizen. I bring with me my experience as a hard-of-hearing person who currently chairs the access committee for the Canadian Hearing Society, Thunder Bay, and I also sit on the municipal accessibility advisory committee for the city of Thunder Bay.

I thank the government for its forward thinking on making Ontario more accessible to persons with disabilities. But I must say that access can have different meanings for each disability. For me, access is having options to help me hear—for example real-time captioning; provision of amplification devices; and a quiet environment with good lighting, to name a few. This is evident today, as without these I would not be able to participate here.

Full accessibility must happen at all levels, both provincial and local. Without full participation of all disabilities in defining accessibility standards, we cannot ever expect to be accessible. The need to expand must be made with more real-time captioners. We need to develop a larger base of people with professional standards for becoming real-time captioners. We need qualified real-time captioners available in all areas across the province, not just in the larger centres. This can happen only if you expand resources to provide professional training.

Bill 118, 2005, is a good start but has some weaknesses in it. I would ask this of you:

In subsection 8(4), that the word "shall" be replaced by "must." The minister must invite persons with disabilities or their representatives, because not to guarantee their presence is not to guarantee that standards for access do in fact meet the needs of all disabled.

In Section 10, Proposed standards made public, the government must ensure that all notifications to the public include the format needed to ensure that all can access the information. This is not only by putting information out on the Internet, but also in American Sign Language and in Braille etc. Not all Ontarians have access to the Internet or knowledge of computers. Public libraries do offer free Internet service, but without adequate communication access, hard-of-hearing individuals cannot understand instructions on how to use the computers.

Subsection 19(4): I would ask that the word "dwelling" be clarified in the glossary of definitions. I assume that you are referring to a place of business, and if so, I can support this term. What I would not like to see happen is the interpretation of the word "dwelling" to include private individual homes unless they are a public place of business; for instance, a rental or home-run business.

Clause 19(10)(b): You state that any evidence of a violation can be removed by the appointed inspector and kept for a reasonable time. I would ask that the term "reasonable time" be revised to read a specific time frame such as 10 days. Holding on to anything that may be a necessity for running the daily business for more than a specific time frame could become a problem for the business.

Service, subsection 37(3): Due to the size of Ontario, mail can, although not always, take more than the specified three days to be delivered. I would suggest that a more reasonable time frame be used.

Section 40: You state that fines will be collected and put into a special fund and invested. I would like to see this special fund used only to help create an accessible Ontario and not used down the road for anything else. As a taxpayer, I would like to know what the government intends to do with this special fund money.

Section 41: You state that when the Accessibility for Ontarians with Disabilities Act, 2005, becomes law, the Ontario Disability Act, 2001, will be repealed. I would ask that with the new act having a deadline of 20 years, what is to stop those already taking excellent strides from slowing down or ceasing until a better financial and economic time is achieved? I must ask that provisions be in place so that the current municipal accessibility advisory committees established under direction of the ODA, 2001, continue under the new act, once proclaimed.

I would like to see the act reflect that the building code must be changed to include mandatory access, such as visual fire alarms.

In closing, I would ask you, the government, to ensure necessary resources, both human and financial, so that I,



as a hard-of-hearing individual, can gain the same access that non-disabled persons have in Ontario. Thank you for your time.

**The Chair:** Thank you. There will be about three minutes for questioning, and I believe Mr. Gravelle will start.

**Mr. Gravelle:** Thank you very much, Sharon. I appreciate your presentation very much. I think you make some very good recommendations. I think it's fair to say that in terms of your concerns about the act that's presently in place, there will be some bridging between legislation so that what has been moved forward in terms of the previous ODA will be working with the new one. So there will be some bridging.

Sharon, I know that you've been an advocate for a very long time and have always expressed your concerns very articulately, certainly, to me and to others. You told me a story, actually, before you made your presentation, and I wonder whether you want to tell the committee about when you were dealing with my office and trying to access information about these hearings. You made reference to this being the first time you ever had that kind of assistance in terms of dealing with the government. I think it's an instructive story to tell. Can you let us know about that?

**Ms. Bjorklund:** I was talking to a lady in Mike Gravelle's office. For me to talk to anybody in government outside of Thunder Bay is difficult, because most government offices have answering machines and I need a live person. So if I got an answering machine at Mike Gravelle's office, I'd just hang up and go down, because he's close by. But the fellow in Toronto whom I was talking to—I think his name is Chris Shantz—suggested that I speak to this committee. I called Michael Gravelle's office back and told the girl there what happened. She gave me the number to reach the committee to become a presenter. The only thing was that, having had prior experience with government offices and hating to hear that answering machine, I couldn't do it on my own. I wish I could remember the lady's name in Mike Gravelle's office, because she put me through to Toronto, she stayed on the phone and made sure that the person who answered the phone at the other end was a live person. She also stayed on the phone, and when it was obvious I wasn't understanding what that person was saying, she repeated some of the things that were said. This is the first time I have ever encountered that kind of help from anybody's office in government, and I really appreciated it. That day, I made a point of putting in the back of my head that the next time I ran into Mike Gravelle, I would let him know that there's a girl in his office who went above and beyond the call of duty to help me as a hearing-impaired person participate here today. I really appreciate it. I can't tell you how different it felt.

**Mr. Gravelle:** I appreciate that too. I recognize it as frankly more a story about the challenges that Sharon and other people who are hard of hearing face.

**The Chair:** Mr. Miller and then Mr. Jackson. To be fair, you've got two minutes instead of one.

**Mr. Miller:** Thank you very much for your excellent presentation today. I know my colleague wants to ask a question, so I'll be as succinct as I can. You mentioned your experience on the municipality accessibility advisory committee and that these committees be kept as part of this new bill. I specifically want to ask you about the north and smaller communities. Under this legislation, "The council of every municipality having a population of not less than 10,000" may "establish an accessibility advisory committee," and communities greater than 10,000 have to establish committees. How do you think the north and all those small communities that may not get accessibility advisory committees should be handled?

1320

**Ms. Bjorklund:** I don't think you're going to like my answer. I've said this before: When it comes to accessibility, the first thing that comes out of anybody's mouth is, "How much is it going to cost?" Well, I pay taxes right now, and I'm not getting a hell of a lot for the dollar that you're taking from me, but I'm still supporting you. In one letter I wrote to the government, I suggested that if they can identify 20% of their population as being disabled, then even one half of 1% of all monies collected in taxes should go toward some form of access within that community.

For the smaller rural areas in northwestern Ontario, this would present a financial difficulty, but at the same time, I believe that if you've given 20 years for this act to be implemented by law, then you have 20 years as a government to find ways to help small rural areas become part of that process, whether it be from the actual funds when you start collecting fines—use some of that money for helping rural areas.

Not everybody has to become accessible tomorrow morning, but it would be nice to feel that the government has in place a way of making funding available to smaller rural areas where they can be just as accessible down the road. I have a dream I haven't told very many people. I honestly wish that I lived in a city, a province or a country where this meeting would never have to take place.

**The Chair:** Thank you. If you have to ask a quick question, Mr. Jackson, please. It's not your fault, but we are over time on this one.

**Mr. Jackson:** I just wanted to thank Sharon for her presentation. She has acknowledged an important point when she says, "I would ask that with the new act having a deadline of 20 years, what is to stop those already taking excellent strides to slow down or cease until a better financial or economic time is achieved?"

That's a very important point being made to this committee. As I indicated earlier, under the current ODA, which Sharon is serving under, the access council of Ontario was charged with creating the regulations under the new act. They had struck their committees, they had formed all of their framework, and once the government changed—which is the point you're making: What's to stop people from slowing down or ceasing?—the government came in and said, "That work shall end," and

they didn't proclaim the enforcement section of the ODA.

I concur with your concerns, Sharon, that there's no real political will to complete this legislation, if in fact for the last year and a half they've actually been stopping all work on the ODA.

**The Chair:** Thank you. Those on the government side—

**Mr. Khalil Ramal (London-Fanshawe):** On a point of order, Mr. Chair: It's been mentioned—

**The Chair:** Is it a point of order? Otherwise—

**Mr. Ramal:** It's a point of order.

**The Chair:** What is the point of order?

**Mr. Ramal:** I have a right, because he made some comments, and I will not just stay quiet. I have a right—

**The Chair:** Gentlemen and ladies, we have been very flexible until today, and I wish to continue. I appreciate what you're saying. The point of order is—

**Mr. Ramal:** Mr. Chair, it's not about sharing. It's just some facts.

**The Chair:** Can I then ask you to wait until it's your turn? Maybe you can clarify that when it's your turn. I need to recognize Mr. Marchese. We have run over at least five minutes on this deputation. I appreciate all your assistance in allowing me to try to manage this presentation and move to the next one.

Mr. Marchese, I know you will be very responsible. It's your turn.

**Mr. Marchese:** I would like to be helpful and simply thank Sharon for coming. Then we can move on.

**The Chair:** And I thank you for that very much. Thank you very much, Sharon, for your presentation.

#### THUNDER BAY WORKERS' INFORMATION SERVICES EXCHANGE INC.

**The Chair:** We will be moving to the next presentation, with your blessing. It will be from the Thunder Bay Workers' Information Services Exchange. Do we have Francis Bell present today?

I have been quite flexible when there are questions to be asked.

*Interjection.*

**The Chair:** Yes. If we all co-operate, then we'll continue that. Otherwise, when the 15 minutes are up, I'll stop anyone. Thanks very much.

Sir, you may proceed.

**Mr. Francis Bell:** Good afternoon, Mr. Chair. My name is Francis Bell. I'm the secretary of the Thunder Bay Workers' Information Services Exchange. I want to welcome you to Thunder Bay. I'm glad this committee has seen fit to come to our city.

I have provided you with a nine-page brief, as well as a one-page press release. I will not attempt to read this because, obviously, the time will go by and I won't be finished. I just want to highlight some key factors that I think would be important to you. One is to let you know that our organization provides services as far as the

White River area, which is roughly 400 kilometres going east, and as far as Ignace, which is 250 kilometres going west. So we have a broad catch basin.

In fact, I recently met with Mr. Gravelle, and we looked at the number of people we served just in his constituency. It was interesting when we actually looked at those numbers and the amount of service that was required.

We speak and work with disabled persons on a daily basis. This is not something that we do on a hit-and-miss basis. That's part of our job: to deal with disabled people. In our case, the vast majority of our time is spent with injured workers.

I want to congratulate the minister for bringing the bill forward. I have to be honest; I'm not here to lobby you. Can you imagine my saying that? I want to act as your conscience, because I think that's probably a better way to get you to really look at what you have to do here.

The minister mentioned—and I have it on page 4—that this bill is about removing and preventing barriers for 1.5 million Ontarians. Some 1.5 million Ontarians are being discriminated against otherwise, on a daily basis, not five days a week, but seven days a week, 24 hours per day, 365 days per year. That is something that you have to ask yourself, and I'm asking you to trigger your conscience: Is that acceptable? Are you prepared to wait for 20 years to do something about it? I understand what the legislation says, and I'm more than prepared to debate it and discuss it. But I have to ask you: Are you prepared to say to somebody, "We'll wait 20 years before we'll really deal with this and there'll be something in place to deal with it"?

The purpose of the bill is, "developing, implementing and enforcing accessibility standards in order to achieve accessibility for Ontarians with disabilities with respect to goods, services, facilities, occupancy of accommodation, employment, buildings, structures and premises on or before January 1, 2025," at the top of page 5. As we said, the goal is honourable. The timing is what I have to question.

With regard to barrier-free designs, I have to say this: In Thunder Bay many years ago, we used the CMHC accessibility standards. They actually worked. Were they the best? No, but it was a place to start. So when I was thinking of that, I said that maybe we should do some research. Lo and behold, the government has a site on equal opportunity. At the bottom of page 5, I've actually quoted that site. I would suggest to you, there are your standards to start with. I would like to suggest to you that within five years the provincial government ensure that every building it owns, every building it rents or leases, every MPP's office, anything that is funded totally by the provincial government, has full accessibility in compliance with the OHRC recommendations.

Further, I'd like to suggest to you that you remove the exemptions. There are too many exemptions. They're weasel words. They're ways to get out of things. You can do it, you really can. You just have to make the commitment. Twenty years is too long to wait.



With regard to work readiness, there are issues of what's going on in the workplace—can the employer and the workers do that? You've heard some presentations previously that suggest that it can be done. We have no problem with employers and employee organizations, whether they're unions or associations, starting the process, but they need a starting place. Again I would refer you to the OHRC recommendations for accessibility, those to be the standard start-off point. We need something better than that, gentlemen, but it's a start.

1330

One of the things that is interesting: We need to talk about accommodation not only in the sense of accessibility but also work readiness. The reason I raise this is that the WSIB spends millions of dollars retraining workers. Some 55%-plus who have been trained for a minimum of three years are still unemployable—they're unemployed. So I would suggest to you that not only do we need to make Ontario's facilities more accommodating, we need to make Ontario's workplaces more accommodating. I think you have to look at that, and that starts with an attitudinal change. In some of the recommendations in the press release that I'll come to at the very end we'll talk about that.

The burden of the government is to do something; not to plan and say, "We will do something down the road," but to actually take action. That's why you were elected. You weren't elected on the theory of, "Well, we might do something in 20 years." You were all elected, whether you're from the government side or the opposition side, based on the idea that you had a vision, that you were going to do something. This bill starts the discussion, but please don't let it be the end of the discussion. It's not enough.

I said it's your conscience. Are you satisfied that 55% of people who have a work ethic are not able to be employed? Is that realistic? Is that the society that we want? Are you prepared to say to 1.5 million Ontarians, "Wait 20 years, then you might get accommodation"? I would think, from looking at all your faces, that none of you is. So maybe there need to be some amendments in the clause-by-clause.

The issue is cost. It was raised a little bit earlier, and I'll do it very quickly. Governments, both federal and provincial, used to have programs that allowed for renovations, and there were grants and loans. I would suggest that you're going to have to go back and look at that, because we want every place in Ontario accessible. Why should people who have a disability be told, "I'm sorry, we can't accommodate you"? That is not satisfactory.

In our press release we said there were four main issues that we wanted to see reviewed and approved. One was the inability of persons with a disability to access services, accommodations and work. Really, is it an issue of rights or is it an issue of discrimination? I would suggest to you that it's an issue of discrimination against those who have disabilities.

Barrier-free standards: I've already told you what we think you can use. That's a start. It's not a finish, but it is a start and something for you to move forward on.

Cost: Yes, there is cost to this, no doubt about it. The speaker before me gave you some suggestions about potential ways of doing it. I would suggest to you that there were programs before. You don't have to reinvent the wheel. Just go back, have your staff do the research and they'll show you what was there and what worked. An example is that they pushed the Northwest office, used that program, and it resulted in having access to that building. There are things that can be done.

Last, but not least, you have to embark on an education program. Whether it's done through the directorate, whether it's done through another department, I really don't care who does it but it needs to be done. We need to change the attitude of Ontario. We need to change the attitude of the workplaces. We need to change the attitude of the community organizations. People with disabilities can bring something forward to you. We do have a positive contribution to make to society. Look at the individuals who are presenting to you just today. Every one of them is adding something to this debate. They are prepared. If you give us the chance, if you give us the opportunity, we'll be there.

On behalf of our organization, again I want to thank you for coming. I'm sorry I was a little bit brief, but I'm trying to make the Chair's time schedule and hopefully help get you back on track, because I know you've got to get a flight to Ottawa.

Thank you very much, Mr. Chair.

**The Chair:** That won't be a problem. We have dedicated 15 minutes to you, and you have about four and a half minutes left, one and a half minutes for each group. Mr. Miller is the first one.

**Mr. Miller:** Thank you very much for your comprehensive presentation. We had an earlier presenter talking about the system they have in place in Germany for employment of people with disabilities, where employers are required to have 6% of the workforce—I believe that was the figure—as people with disabilities, and if they don't have that, then they have to pay a penalty. Have you seen that legislation at all, and what are your thoughts about that?

**Mr. Bell:** No, I haven't seen the legislation. I have heard the story; I'm pretty sure I know who told it to you. The key for me is that I don't think you need a target. I think you need to say, "We're going to make it open." Once we get to targets, we have people who say, "Is it economically more advantageous to pay the penalty?" Look at some of the professional sports leagues; they'll tell you all about paying the penalty for going over the cap. Or do we really want to accomplish a goal? The goal we should be accomplishing is getting every Ontarian fully able to access any goods, any service in Ontario, and that includes all workplaces.

**The Chair:** Mr. Marchese.

**Mr. Marchese:** Thank you, Francis, for lobbying our conscience. I remind my friend David Miller that we did introduce employment equity—

**The Chair:** Norm.

**Mr. Marchese:** Norm; I made a mistake with "David."

We introduced employment equity in 1993 or 1994 and the intent was to create targets, not, as they called them—what was the word you guys used?—quotas, where you would have a certain number of people with disabilities in a workplace. That was defeated as soon as the Conservative government got elected, and that's a shame. This bill doesn't deal with that, and it needs to. That's a point I think you're making and that I would like to make as well. I support that.

In terms of the time frame, I think you're also saying that at least in this first term the government should be able to say, "This what we want to accomplish in this mandate." If they get re-elected, they should be able to say, "This is what we want to accomplish in the next four years," rather than leaving a 20-year time frame, where in the first five years we may not even know what's going to happen and the minister may or may not approve those standards—because he or she has to approve them—and all that vagueness leaves you a bit unsettled. Is that not the case?

**Mr. Bell:** You're partially there. What I said is that in the first five years—I'm saying this looking at the government members and my two friends from Thunder Bay—we want you to impose the OHRC standards that are out there. We want you to take action now. The government is the lead here, folks. You can do it. I don't want them to wait until after the term to say, "We might do that." I want it done in the first five years. So by the time this government goes back to the polls—because it does have a majority—I'm hoping they're going to be able to say, "We have implemented a standard in Ontario for all our workplaces," and I've said for all MPPs' offices, not one or the other. I don't care whether you're in opposition or in government, whether you're in the Legislature or in another building, you have to be fully accessible all the time. Front door, not back door, is what I talk about in the brief. It's a standard to set.

**The Chair:** One of your friends: Mr. Mauro.

**Mr. Mauro:** Thank you for your presentation. You have made reference to the timelines contained in the legislation. I'm not a regular member of this standing committee, but it's my understanding that that has been a regular theme that's come forward to the committee as a consideration and a concern as they've been touring the province with this piece of proposed legislation. Mr. Lepofsky, however, who represents a broad cross-section of the disabled community in the province, seems to have indicated support for the legislation generally and no specific concern—I don't think as much—with the timelines in terms of the five-year goal-setting that exists within it. I'm wondering if you could comment on your perception of the timelines compared with Mr. Lepofsky's.

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**Mr. Bell:** First of all, I agree that Mr. Lepofsky has been the leading voice for persons with disabilities,

especially the ODA Committee. However, as all mature adults, we can agree to disagree. I want standards now. David is prepared to give you a chance to build them up over a period of time. In the brief, I actually talked about the concern of having multiple committees, different sets of standards, depending upon the industry. You need a floor, folks, and the floor has to start now, not 10 years, 15 years or 20 years in the future.

Mr. Lepofsky is looking at the long run. I'm looking at convincing people that this government is prepared to do something, that this government's opposition wants something done. You can only do that by walking the walk. You can't talk the talk. You've got to actually walk the walk. You can do it.

Mr. Lepofsky says, "Let's wait. Let's line all this up." I guess I'm a little bit impatient. Maybe I'm getting too old, maybe I've been around too long, maybe I've heard too many promises. But I'm telling you that if you're going to convince people in the disability community in the long run that you want to do something, you've already got your standards. Maybe they aren't the best, but it's a starting place. We can improve on that.

**The Chair:** Thank you, Mr. Bell.

#### HAGI COMMUNITY SERVICES FOR INDEPENDENCE

**The Chair:** The next presentation is from Hagi Community Services for Independence. Is Allan Buchan here?  
Good afternoon. You can start any time you're ready.

**Mr. Allan Buchan:** Chairman and members of the committee, we'd like to thank you for this opportunity to comment on Bill 118, the Accessibility for Ontarians with Disabilities Act, 2004.

Hagi Community Services for Independence began as the Handicapped Action Group in 1975 as a result of a disability report that was compiled in 1972 by the local Lakehead social planning council. At inception, the purpose of Hagi was "to improve the living conditions of persons with physical disabilities by fostering independence, self-determination and the acceptance of responsibility among disabled consumers." The major areas of emphasis in those early days were transportation, housing, attendant care and recreation. The generally recognized philosophy of the founders of Hagi was that "in order to assume control over one's life, an individual needs to make their own choices regarding his or her own personal lifestyle."

As early as 1975, Hagi began providing services to meet the organization's objectives. Hagi Transit began operation through a LIP grant provided by the government of Canada. In its initial year, that service accommodated approximately 2,500 trips with only two vehicles—two high-roof vans. We currently provide over 90,000 trips a year with a fleet of 20 vehicles in the community.

Our housing program, which provides barrier-free apartments and 24-hour attendant care services, became a reality in the spring of 1979. The organization developed



its second building in the mid-1990s, opening on Jasper Drive in 1994.

By 1982, our attendant care project expanded into the Thunder Bay non-profit housing apartment buildings, providing support services to all their barrier-free apartments. In 1986, we started an outreach attendant care program in Kenora and later expanded to persons living in their own homes in Thunder Bay. Both services encouraged consumers to manage their own care. Kenora has since broken away and formed Northwestern Independent Living Services, a sister organization to Hagi. In the early 1990s, we continued to develop community-based services and started our third outreach program along the north shore with an office set up in Geraldton.

Formal and informal recreation has always been a part of Hagi programs and services. The most successful and recognized has been our wilderness discovery program, which originally began as an overnight camping excursion and has grown into the construction of an accessible recreational camping facility on Shebandowan Lake. This facility is available to all persons with disabilities on a pre-booked basis.

What do we think of the Accessibility for Ontarians with Disabilities Act? Our organization sees the presentation of this act as a much-improved version of the previous Ontarians with Disabilities Act. We commend the Ontario government for bringing forward Bill 118, the proposed Accessibility for Ontarians with Disabilities Act. We have seen that consultations that were held prior to the writing of the act were not only beneficial, but a number of the recommendations have been incorporated. This bill reflects a substantial improvement over the previous bill of 2001. It begins to open doors and addresses the fact that people with disabilities need to be consulted on issues, services and programs that directly affect their ability to live independently in the community. Many of our members want to be and are taxpayers and feel proud of that fact. Given the power to choose whatever lifestyle they decide has helped develop our motto, "Independence by Choice."

In its 30-year history, our organization has seen standards come and go in our community as they apply to consumers with disabilities. An example, in fact, is that we had one of the most forward-thinking municipal building codes in the late 1970s. That was eventually lost to the enactment of a provincial building code that failed to address the standards we had developed locally for our constituents. We need a code that will prevent this from happening again, and the first step is to incorporate a consultative process to all acts and regulations that affect citizens with disabilities.

Over the past few years, we have participated in a number of consultations. We believe the one conducted by the ODA committee has resulted in a position paper that reflected the position of the province's consumers with disabilities, but individuals also living in northwestern Ontario. This organization identified 11 principles that needed to be addressed in order to have an effective and reflective act for this province.

According to these 11 principles, the ODA's purpose should be to achieve a barrier-free Ontario for all people with disabilities. It should cover all disabilities, whether physical, mental or sensory, and it should cover all barriers, not just physical barriers. All public and private sector providers of goods, facilities and services should be required to remove and prevent barriers. Timelines and standards should be decided upon through a consultative process with all stakeholders. The legislation should set out the timelines for developing these standards and a process for consultation.

The following are some amendments, as we reviewed the act, that we would like to propose.

With regard to time frames, the target date for achieving full accessibility is January 1, 2025. We understand the complex nature of the proposed changes; however, we feel that 20 years into the future may mean that many individuals with a disability will not see full participation in society until then. We'd like to recommend that the time frame be accelerated to an earlier date.

Definitions: Section 4 of the Act states that the act "applies to every person or organization in the public and private sectors of the province of Ontario to which an accessibility standard applies." We are unclear as to the intended scope of "to which an accessibility standard applies." We feel that it might only apply to the provincial government, and therefore encourage the deletion of the line.

Bill 118 reserves to the cabinet the right to define "accessibility" by regulation, pursuant to clause 40(1)(q). Accessibility is a fundamental concept of the statute. Indeed, it's the first word in the bill's title and goes to the heart of the legislation, the accessibility standards. We cannot leave to a later date the clarification of what is being done under the AODA. All accessibility standards committees should have the same understanding of what their task entails; therefore, we're recommending that a definition of "accessibility" be added to section 2 at this time.

Under "Accessibility Standards," subsection 6(3) attempts to define to whom a standard applies. This section should identify businesses, organizations and individuals who are involved in the design and construction of an environment. Standards should also cover companies and organizations involved in the design and manufacture of products for sale to the public. This would ensure adoption of universal design for all environments. We'd like to recommend that standards should also cover companies and organizations involved in the design and manufacture of products for sale to the public.

#### 1350

Currently, there are a number of codes that address physical accessibility issues: the Human Rights Code, the Planning Act, the Ontario building code. This bill is at risk of being added to the mix through these standards created by standards committees. We'd like to recommend that the bill be amended:

—to force a harmonization of the related acts and codes so that they all say the same thing with regard to the built environment;

—that whatever accessibility standards are developed be extended to the renovation and/or repair of older buildings;

—that new standards apply to any new residential construction that is built for resale to the public, of course excluding any builders who are residing on that property;

—that municipal inspectors receive appropriate training on the standards and their legal requirements; and

—that builders and architects receive training in barrier-free design.

The underlying theme of this act is full participation by individuals with a disability, and although the act clearly delineates the appointment of its standards committees to include individuals with disabilities, it is important that these committees will be developing a model and have the needed resources for ongoing consultations with their stakeholders. Much of the input will be from organizations of individuals with a disability, many of whom are not-for-profit charities with extremely tight budgets.

We'd like to recommend that the bill provide a mechanism for funding these not-for-profit organizations, so that they can meaningfully provide input in the development of standards for each of your standards committee.

The act recommends that each industry-related standards committee develop a plan that will be implemented by January 1, 2025. Again, I'd like to recommend that we accelerate that time.

It is very important that the accessibility standards development process be undertaken at an appropriate arm's length from the Ontario government. This is not the case under Bill 118. Under the bill, the entire accessibility standards development process is now carried on under the minister's open-ended discretion, direction, supervision and ultimate control. The government should have a role to play in the process, we agree. However, it must also obey the standards, once set.

If the standards development process is made arm's-length from the Ontario government, it will help protect it from the back-and-forth pendulum of partisan politics. The ultimate decision of whether to adopt a proposed standard would still rest, of course, with the government of the day.

We'd like to recommend that the bill be amended to establish an independent public officer who will operate at arm's length from the government and will serve for a finite period of time. This official would have the lead responsibility for developing standards, including supporting each standards committee.

I'll just briefly go through the recommendations. We'd also like to recommend that the bill be amended to include a mechanism to identify what standards committees need to be established. We'd also recommend that the minister publicly solicit applications in a manner that will

ensure individuals with a disability have an opportunity to apply.

I have a number of recommendations. I think I'd like to jump to one with regard to small communities.

**The Chair:** That's fine, because we do have the material in writing, so we'll take care of that. Thanks. Go ahead.

**Mr. Buchan:** The last thing I'd like to mention is that the act requires that municipalities with a population under 10,000 which opt not to create a municipal accessibility advisory committee—we're recommending that municipalities less than 10,000 be required to at least hold public consultations that include people with disabilities on strategies for removing and preventing barriers facing persons with disabilities in that community.

**The Chair:** Thanks very much for your presentation. There is no time for questions.

**Mr. Buchan:** Sorry.

**The Chair:** No, that's fine. The objective is to hear you first, and we did.

The next presentation is from the Salvation Army, Thunder Bay. Is anyone present from the Salvation Army? If not, is there anyone here from the Schizophrenia Society of Ontario, Thunder Bay?

We have about a five-minute cushion while the presenter is getting ready, so if I may, I just want to go over, for everybody's knowledge: Today we are dealing with Bill 118, which is the Accessibility for Ontarians with Disabilities Act, 2004. We have already received the second reading in the House. All the honourable members supported the second reading. Before we go to the third and final reading, we are listening to the people of Ontario.

We started in Toronto with two days. From Toronto we went to Niagara Falls for a day, then to London for another day. Today we are here in the beautiful city of Thunder Bay, and tomorrow we're going to go to Ottawa. We'll finish in Ottawa. Hopefully, next week we'll be able to go over it clause-by-clause in committee, and we'll go from there unless there are any other changes.

Today, in addition to the committee, we have two additional members of the House, the local MPPs, Mr. Mauro and Mr. Gravelle.

We are ready. Of course, what we are discussing today will be shown on cable on Wednesday, so you will be able to see what took place here today on Wednesday if you choose to. I thank you again for being present here today. Mr. Jackson?

**Mr. Jackson:** Mr. Chairman, I'd like to make a short request for information. The last deputant raised the issue of communities of 10,000 or less. Could we get from the Ministry of Municipal Affairs and Housing a list of those municipalities of 10,000 or less, and 5,000 or less, in the event that we'd like to consider perhaps moving that threshold to 5,000.

**The Chair:** Very well. Staff will provide that information as soon as they can. Any other requests before we move on?



**Mr. Ramal:** Since we have some time, Mr. Chair, I wonder if I can raise a point. Mr. Jackson kept referring to the report. He mentioned many different times that the accessibility council doesn't have to report to the government. I would refer him to section 15 of Bill 118, which requires that the group has to report on an annual basis to the minister and to the government.

Second, he referred to Bill 125, which he proposed and was passed in 2001. He said it's mandatory. I was reading the bill, section 19, and it does not mention anywhere the mandate to—

**Mr. Marchese:** Mr. Chairman, we really shouldn't be doing this. It's not a debate. I appreciate what he's doing, but we have deputants here.

**The Chair:** My impression was that there was a question of clarification. That's why I was attempting to listen. In fairness, the next deputant is at 2 o'clock. That's why I was a little flexible. We still have three minutes until the deputation starts, because one cancelled, so I was trying to ask if there were any questions. I would ask all of you to remember that any political debates should be done in the House, but if there are questions, in fairness, they should be clarified. If my friend still thinks he has something to clear up, I will allow it, otherwise I would prefer to listen to the deputations, even if we start a few minutes early.

**Mr. Ramal:** To my friend Mr. Marchese, just to clarify, because it's been mentioned many times, in Bill 118 a group of people have to report to the government. Section 15 of the bill requires the report. Whoever doesn't report and comply with the bill is going to be penalized and fined. That's it.

**The Chair:** That's fair. It was a clarification. We may disagree, but I thought it was important. If a statement was made that indicated something different, I think the PA has a responsibility to clarify it. I hope we can live with that. Mr. Jackson?

**Mr. Jackson:** First of all, I've never challenged the fact that—

*Interjection.*

**Mr. Jackson:** I mean, you've asked for clarification. You've indicated he's the parliamentary assistant, with his version of the act. First of all, I've never challenged the fact that there is a reporting of the standards committee back to the government. Even our deputants have gotten all that. What the deputants have expressed concern about is that there is no duty to report publicly. That is an issue that has come up. The concern I raised was that under the legislation I drafted as the Minister of Citizenship, Bill 125, the power—

*Interjection.*

**Mr. Jackson:** Well, Chair, you've given equal time. Mr. Ramal should be apprised that the power to create regulations, to create standards, exists in the current ODA, but it is vested solely with the Accessibility Advisory Council of Ontario. In fact, the first chairman is from Thunder Bay, Dave Shannon. That is in the legislation, and there was a five-year review. If no laws were brought in, no standards, then the law would be

reviewed. That's what the legislation says, so don't be misinterpreting it.

**The Chair:** OK, fair. Can we please move on to the people? That's why we're here in Thunder Bay.

1400

## SCHIZOPHRENIA SOCIETY OF ONTARIO, THUNDER BAY CHAPTER

**The Chair:** You may proceed.

**Ms. Helen Tucker:** Good afternoon. I'm Helen Tucker, president of the Thunder Bay chapter of the Schizophrenia Society of Ontario. With me is my husband, George Tucker, who is chair of the public awareness committee. It's my privilege to speak today.

I don't know how much you know about the Schizophrenia Society. We were organized 20 years ago in Thunder Bay. It's been in existence for 25 years in Ontario and Canada. Our purpose is to increase awareness of schizophrenia, educate the public about this illness, provide support for families and advocate with governments. Since you are part of the government today, I'm delighted to have this opportunity to speak on behalf of our organization.

Schizophrenia is a common illness. It strikes one in 100 young adults. It's not the only disability that affects people's ability to function because of a brain disorder. I'm thrilled that Bill 118 is addressing mental illness. That's the first time, and we're really delighted that this is happening.

Before I proceed, I want to thank Michael Gravelle, whose office invited me to participate today. I want to say that Michael Gravelle has been listening to me and George, as well as my late husband, Bob Schumacher, for about 15 years, I guess. We deluge him with letters and he always responds to us. I also want to compliment the staff, because they're really wonderful. I want that to be publicly recognized.

Now to go on about the bill. One of the main things with illnesses that affect the brain is that we don't have a prosthesis. We're talking about accessibility to buildings, assistance with hearing problems and vision problems and so forth, but nothing much has been said about brain disorders that affect a person's ability to function. It affects your whole being. The only prostheses we have for these illnesses at this point are medications, yet medications are very difficult to come by, especially here in Thunder Bay. We don't have doctors. You can't get help without seeing a doctor, and if you don't have a doctor, how are you going to get a diagnosis and how are you going to get medication? Without medication, you don't get any of the other possibilities for assistance. You can't get housing if you're not stabilized. We're so far behind the people who have other disabilities it's not funny.

So what we need as well as this bill—or hopefully this bill will ensure that these other things take place. If you're not stabilized, you can't get a job; there's no point in trying to figure out how you can change the work-

place. But there are people who are stabilized who, if concessions were made in the workplace, would be able to work. We're very much concerned about the whole level of illnesses that affect people's brains. It's easy to say, "Some people with schizophrenia can work," and many do, but what about the people who are at the lower end of the stick who can't get medication or for whom the medications don't work?

We need more brain research to discover what the cause is; what treatments will work and what won't work. The suicide rate is high, especially with schizophrenia. We say one in 100 develops schizophrenia; 40% will attempt suicide and 12% to 15% will actually kill themselves. This is a horrendous figure, which hasn't really been considered. When we are considering a bill like this, it's important to recognize that we're about 50 years behind the times.

I can remember back 50 years ago, believe or not, when people in wheelchairs weren't able to get out on the street. There was no thought of helping people with hearing problems. But this has changed, and Al Buchan can respond to the fact that many changes have been made to assist people in wheelchairs who need attendants and so forth. But this hasn't happened for mental illness, so hopefully this bill will at least make people aware that we have to do something to make these services possible for the people who have brain disorders, and that's a high percentage of the population. When you say there is a high percentage of people with disabilities who need to have access, what about this group of people who I don't believe are counted among those in need of access?

Twenty years is a long time to wait; in fact, I don't expect to see that time. It's important that at least some of these changes be made right away to benefit that huge number of affected people. And it's not only the person with the illness who is affected, it's the family. It's a horrendous happening in the family. We family members don't get very much empathy or very much support, not as much as if you had some other disability. Bringing the disability of mental illness into the forefront, or at least into the mainstream, is really great, but I know a lot of changes have to take place.

If we have committees and representatives on some of these organizational committees, it's important that we have people with the more severe illnesses. We do have groups of people who regard themselves as consumers who speak very well but are not necessarily speaking for those more severely affected, and people with schizophrenia are among those.

There is a lot discrimination against schizophrenia. People are frightened of people with this illness, and sometimes there is a good reason, because it confuses people's thinking. If this bill would help to push for more research—because until we can find out the cause and better treatments, then we're not going to be able to make these services available to people with brain disorders like schizophrenia and manic depression. Even the depressions are very handicapping.

I don't want to go on and on. I'm not sure where my time is going.

**The Chair:** There is another six minutes. If you don't want to add anything else, there will be two minutes for each party to ask questions. It's your choice.

**Ms. Tucker:** Well, I'll have questions, and then I'll say more.

**The Chair:** We'll start with Mr. Marchese, for two minutes.

**Mr. Marchese:** Thank you, Helen. Thank you for reminding us about the problems that people with schizophrenia face, not just the individuals who suffer but the families around them. You talk about the fact that if you have no doctor, you have no medication and you have no housing if that medical problem is not stabilized and so on. These are things this bill doesn't touch, unfortunately.

There are a lot of other groups who have talked about how the bill doesn't deal with other people who have disabilities. Mental illness can be disabling and is in itself a disability. Autism is a problem, and it's not really included in the bill in terms of how you deal with people who have those problems. Fetal alcohol spectrum syndrome is another problem that people have talked about. A lot of these issues are disabilities, but they don't fit into the bill, unfortunately. I think they could. I think we could make such a bill a little more inclusive, but I haven't heard any Liberal member talk about how this bill could become a little more inclusive so it can provide services that people like yourself are talking about for those who suffer different kinds of disabilities like schizophrenia. Do you have any suggestions or recommendations for this committee and, in particular, the Liberal members who represent the government?

1410

**Ms. Tucker:** I think if you listen to Michael Gravelle, he has some concerns about mental illnesses.

**Mr. Marchese:** I hope the Liberal members listen to him too.

**Ms. Tucker:** Yes, I hope they do. It's important, when we talk about accessibility—if you don't have accessibility for all these people, then the bill should include something that's going to make sure this happens, that it is possible for these other groups of people to be helped, with not everything being concentrated on just those for whom we have prostheses at the present time.

**Mr. Peter Fonseca (Mississauga East):** Helen, thank you very much for your deposition. It was very enlightening. Many of the people who have presented have talked about the visible situations around accessibility and that often the invisible are sometimes difficult to peg and detect, and what can we do with something like schizophrenia? For our government, mental health is a priority. It had not seen any new dollars for 12 years. We put 65 million new dollars into mental health to help people afflicted with schizophrenia and other mental health issues.

As we set the standards, I would think that education and awareness would be one of the things you would want to see brought forward. You mentioned that mental health at times may have a stigma around it in terms of



people who suffer. Can you tell us some of the standards that you would like to see brought forward?

**Ms. Tucker:** Education is certainly very important, and we would hope that governments would be more willing to fund education. We are all volunteers in Thunder Bay. I've been a volunteer with this organization for 20 years and have been very verbal. But we need to have more emphasis placed on the fact that these are major disorders, not just trivial things that happen. One of the sad things about illnesses like schizophrenia, bipolar and many of the depressions is that they happen with young adults. The usual time that schizophrenia shows up is somewhere between 17 and 30, but for many people the symptoms start much sooner.

We need to have people aware that this is an illness that's possible to happen. There is a genetic tendency. We don't know why. The provincial government could advocate for more funding for research, because without research, we won't be able to find the cause and therefore won't be able to know how to treat it well. The medications we have now aren't that great. They're certainly helpful, but they don't solve your problems, at least not for everyone.

Another thing that happens is that many people are unfortunately ending up in the criminal system. This is happening here. You can't get into the hospital unless you're a threat to yourself or someone else. That doesn't happen to anyone else. If I have a heart attack, they'll probably rush me to hospital, at my age, but when it's a young person in a psychosis, they could be turned away because they don't seem to be a threat to themselves at that particular moment.

**Mr. Jackson:** Thank you, Helen and Mr. Tucker, for being here today. I just noticed that the definitions involving mental health and mental disorders are exactly identical between both the ODA and the AODA. You're included in both pieces of legislation, but there's a bit of a concern. The only real change that I can see, particularly for issues around mental health, would be the duty to accommodate for employment purposes. That is new to this bill. That's a tricky one, because we're not 100% sure of the degree to which we're going to be able to make employers, whether it be the provincial government or employers generally, accommodate persons with schizophrenia and other mental illnesses, for job protection and otherwise.

There has been suggestion here today and in each of the hearings that labour groups be given the right to bargain with their employer in terms of protecting workers who acquire mental health challenges. I wanted to ask if you support that basic concept of allowing unions in the public and private sector to help bargain the protection rights and plans for an employment basis. As you said earlier, the issues for you are not the ability to negotiate or navigate through a door—you're not in a wheelchair—but your handicap is unique and different and challenging and it's hard to identify. But the place it surfaces perhaps the most is with employment discrimination. Are you comfortable responding to that

question about labour's desire to put those access plans on the bargaining table?

**Ms. Tucker:** I don't see any reason why that wouldn't be a good idea. There are people who can work, if they had more consideration, my son being one of them. Yes, that would be a good idea. That will cover a percentage of the people, but the others who aren't diagnosed and aren't treated aren't going to be at that level at all.

**Mr. Jackson:** You are aware that this legislation doesn't impel the government to spend money on programs, and many of the programs you've referred to are not covered in the bill. I'm not suggesting that's a fault of the bill. As someone who had to draft the first one, I can tell you how immensely difficult it is to find language that says the government will ensure a level of access to mental health services in the province of Ontario in accordance with the Human Rights Code. Something along those lines put in the legislation would clearly indicate that a citizen has the right to have guaranteed access to mental health programs. I'm not sure I've ever seen legislation that sets it out that plainly and that clearly.

**Ms. Tucker:** That sounds like a good idea. Could that not be put in?

**Mr. Jackson:** It possibly could. Perhaps the Ontario Mental Health Association might consider a recommendation to this committee along those lines.

**The Chair:** Thank you very much for your presentation and for your patience. We will be moving to the next presentation. We are over time already. Thanks again.

**Ms. Tucker:** Thank you very much.

#### DISABLED WORKERS' COMPLEX CASE NETWORK

**The Chair:** The next presentation is from the Disabled Workers' Complex Case Network. Someone is here. We already have something in writing from you. Thank you, sir. You can start any time you're ready.

**Mr. Darrell Sanderson:** Thank you, Mr. Chair, and I'd like to thank you all for the opportunity to present here today. In the materials that were passed around, after the third page, we've put in information about our organization instead of talking about what exactly we do here. We've presented many times in the past to standing committees on issues, whether workers' compensation etc. The type of consumers that we work with are essentially people with severe disabilities, from all across disabled groups but mostly those workers who are part of the workers' compensation system.

1420

**The Chair:** Sir, for the record, would you please identify yourself? We have the names down, but we need them.

**Mr. Sanderson:** Yes, I will. Essentially I'm just going to read from the text. Mr. Rubenick is going to pick up on some issues on the pages that have been attached to the back.

Good afternoon. My name is Darrell Sanderson. I'm the president of the Disabled Workers' Complex Case Network, or DWCCN for short. To my left is Mr. Maurice Rubenick, our secretary-treasurer.

DWCCN has made past submissions on the Ontarians with Disabilities Act, and we appreciate the opportunity to once again make a presentation on this important bill, Bill 118, An Act respecting the development, implementation and enforcement of standards relating to accessibility with respect to goods, services, facilities, employment, accommodation, buildings and all other things specified in the act for persons with disabilities.

It is heartening that all three political parties have rallied behind this bill. All are commended for their sincere and forward thinking in this important piece of legislation. Most important, we would like to thank the Ontarians with Disabilities Act Committee, who over the past 10 years have voluntarily committed their time to the social issues affecting disabled individuals and, for that matter, all citizens in the province of Ontario. DWCCN fully supports the ODA Committee and overall supports their direction in strengthening the Ontarians with Disabilities Act, 2001.

The ODA Committee's submission to this standing committee noted that there had been discussion about the interim implementation time frame of five years and how it should be reduced to three. The ODA Committee noted that they thought little would be accomplished in terms of barrier removal, and to some degree we would concur with that.

Just along the same line, I would indicate that I feel that 20 years is a little bit too long also, but I've been at this kind of stuff since 1977 and we've waited a long time. It's really important to note that where we can enact, we should be enacting where we can move ahead.

Bill 118 talks of developing standards, advisory councils and other language that sets out some detail regarding penalties for non-compliance both for individuals and corporations. Bill 118 helps to address the disabled community's ongoing submissions that the current Ontarians with Disabilities Act, 2001, has no teeth or enforcement mechanisms, and that is good. It is also good that the ODA Committee will be discussing with the disabled community and the government the enforcement models that would or could be most effective while at the same time maintaining some balance or reasonableness in educating both the public and private sectors about disability issues.

Enforcement and how it is accomplished is important. Consistent application of the law, policy and guidelines by government ministries and agencies is important. Education and awareness of disability issues are important. Government on an ongoing basis reminds the disabled community that people with a disability are important to them, that they matter. Yet on the other hand, the actions of some government ministries put up roadblocks or barriers that affect the individual lives of people with a disability. These ministries and agencies ignore the current law, policies and guidelines to the point of diminishing the capacity of those with a dis-

ability to fully participate and achieve their potential. Why is that so? If some arms of this government are ignoring the current laws, policies and guidelines, what can disabled people expect with the introduction of Bill 118?

Under the current ODA, 2001, public sector institutions and governments—provincial and municipal—were to develop accessibility plans for communities with 10,000 or more individuals. Most certainly, some of those have been put into place, and there's some question as to who's being put into place on those particular committees. Either way, we have a 2001 act that has some legislative requirements, some code that has to be followed.

Where I'm going with this, essentially, when I'm talking about these laws and government agencies following these laws, is that our experience in our community today is that where laws are there to protect us, people are flouting those laws. I'm going to get into a couple of examples here and just move on.

As the MPPs for Thunder Bay and northwestern Ontario know, one of the issues we have is with the Thunder Bay Regional Health Sciences Centre, so I'll just pick up there. The first example is the Thunder Bay Regional Health Sciences Centre, which has become controversial in the disabled community as to the centre's compliance or non-compliance with the Ontario building code and the sections of that code that deal with accessibility issues such as public and private washrooms in the facility.

Three older hospitals were decommissioned for a new central facility in Thunder Bay. The city of Thunder Bay had allowed for the occupancy of the new facility even though there were non-compliance orders issued by the city of Thunder Bay. The non-compliance issue has not gone away, and the disabled community is pursuing legal remedy. Similarly, a hospital was built in Barrie with some of the same issues regarding washrooms and accessibility; in fact, they were the exact same problems.

The building code is law, and yet, to the detriment of the disabled community, these institutions choose to ignore the code, for whatever reason. Why is the enforcement of the code or law ignored? What is the remedy for the disabled community? I shouldn't have to be asking those questions.

To carry on, the second example—I'm going to move to another ministry that I've had a lot of experience with over the last few years relating to Ontario's Living Legacy process and some of the things it promises us who have been practising a quality of life here in northwestern Ontario that we've grown to enjoy. We're now seeing barriers put in our way, even though MNR materials espouse all the gobbledygook about how they're doing wonderful things for people with disabilities.

We do have some good things, especially in the northwest, some of the programs. HAGI, for example, was quite involved in terms of the special hunt that the ministry talks about. In fact, we had people from around the province make application to come up here for that particular special hunt for big game.



However, I digress a bit. I go back to this. The second example, which Mr. Rubenick will speak to, relates to the Ministry of Natural Resources, the promises of this government's Ontario's Living Legacy, and the MNR's actions, which are creating barriers for people with disabilities. He will speak to how the MNR's 1996 barrier-free guidelines have been ignored. In meeting with the MNR, we found that the ministry is not reading its own material, which says that where there are federal CSA standards regarding barrier-free facilities, such as washrooms, those federal standards are to be followed. That's fact.

Mr. Rubenick, time permitting, will speak of access issues relating to the OLL and Ontario parks. In some parks, land use designation dictates access by non-mechanized means only. That doesn't affect an able-bodied person's ability to enjoy the park, but it does affect the ability of a person with a disability to have the same or equivalent individual independent experience. If a person's disability prevents them from paddling a canoe or rowing a boat, then the person is handicapped. The only thing standing in the way is the need for motorized access. Today's technology assists individuals in being independent in many different ways. The use of motors and all-terrain amphibious vehicles allow for some equalization, promoting independence and enhancing opportunities for the inclusion of people with a disability.

Mr. Rubenick and I are avid outdoor individuals. I like to explore the wilderness and hunt and fish using an all-terrain vehicle known as an Argo. Mr. Rubenick does the same. In addition, his hobby of outdoor geological exploration and his anthropological interest in aboriginal people, their culture and the areas they historically inhabited are keen. Mr. Rubenick spends a fair amount of time on Lake Nipigon pursuing these activities in a small craft and independently on his own boat, modified for his disability needs. Mr. Rubenick's use of and access to crown lands is a traditional value to him that is now being threatened by current and future laws, codes, policy and guidelines.

1430

Mr. Rubenick wishes to speak of an access issue to Lake Nipigon that is impacting a number of handicapped individuals who previously enjoyed unencumbered access to the lake. He wishes to address how the MNR is taking us from a safe harbour to a dangerous harbour. He will refer to how the MNR goes about its own business by blocking accessible access and hurriedly providing inadequate access with outdoor toilets that do not comply with the Ontario building code or meet their responsibility to comply. In fact, we've had some meetings with the MNR locally on those issues. They are to discuss them with Ontario Parks, and it appears that in fact they don't comply.

That's the gist of my presentation as to why we have the laws.

Mr. Rubenick is adamant and strong on the issues, and rightfully so. He notes that we cannot wait for the implementation period of 20 years in five-year bites.

**The Chair:** There is one minute left.

**Mr. Sanderson:** He believes that current legislation and ministry policies already provide some protection. He notes that Ontario Parks, the Ministry of Natural Resources, already has a 1996 policy document on barrier-free guidelines for the parks that is not being followed. To get a copy of those guidelines is very difficult, as Mr. Gravelle's office staff can attest. The point to make here is that we already have codification policy and guidelines that protect individuals.

Unfortunately, all the fancy words, promises and guarantees mean little to the disabled community if no one has the intestinal fortitude to take accountability and responsibility for the policies and codification that already exist.

At this time, I will turn it over to Mr. Rubenick. Subsequent to that, we will welcome any questions, time permitting.

**Mr. Maurice Rubenick:** This is a bit of show and tell, guys. This is Ontario's Living Legacy land use strategy, dated July 1999. After that comes this book here: Lake Nipigon Signature Site. This is signed July 2003, with all the information in it—taxpayers' dollars. This book, Barrier-Free Guidelines Design Manual, fits right into this stuff here. This one here is 1996. So this book should have been applied to all this stuff here. It hasn't. They're not paying attention out there. Right now, it's in *Our Nature*: a policy came out in 2004, with a questionnaire. The questionnaire states that visitors will travel with non-mechanized stuff, which formally eliminates me. They're asking for public input on non-mechanization so they can open up a park where the able-bodied can travel, but I can't. They're keeping me out of it.

As for this South Bay access landing, we're in talks right now. They're taking away a safe access landing for the disabled community. They dug up the road in November, trenched it, so I can't get in there, which forces me to go to the new landing, which is dangerous for me to access. It has no barrier-free stuff for the disabled, no way of getting to the docks, no way of getting to the toilets, no parking close to the docks—nothing that addresses all of this barrier-free stuff that should have been put there. Yet my taxpayer dollars were used to get a machine up there to dig up the road. My safe harbour was taken away from me, so I'm forced to go to a dangerous harbour.

I'm asking you guys, all of you—the NDP, the PCs and you guys—do something about it before somebody gets killed.

**The Chair:** Thanks very much for your comments and presentation. There is no time for questions.

CANADIAN HEARING SOCIETY,  
THUNDER BAY REGION

**The Chair:** We're going to move into the next item, which is the Canadian Hearing Society, Thunder Bay region, Nancy Frost and Karen Higginson.

While you're getting ready, just a reminder that there is 15 minutes in total, if you can stay within that time, please. If anyone needs any assistance, we do have people available to assist anyone; let us know. Whenever you are ready, you can proceed.

**Ms. Nancy Frost:** Good afternoon. My name is Nancy Frost. I am regional director with the Canadian Hearing Society, Thunder Bay region. With me is Karen Higginson, who brings with her a wealth of information and experience as a culturally deaf woman, counsellor and advocate with the deaf community, deaf interpreter, ASL literacy consultant and as a member of our municipal accessibility advisory committee.

You have each been supplied with a copy of our presentation.

To start, we wish to preface our presentation by stating that 23%, or one out of every four Ontarians, report having some degree of hearing loss or are culturally deaf.

Our presentation today will focus specifically on what accessibility means to this population, what their current experience is and what changes must be made to Bill 118 before third reading to guarantee their right to accessibility through the identification, prevention and removal of barriers.

As is evident today, barrier-free and full accessibility is not just physical. For all of us to participate in this hearing, language and communication access and accommodation is required and must be provided. To not do so is to not ensure a barrier-free environment.

For the one in four persons who experience some degree of hearing loss or are culturally deaf, "barrier-free" means the provision of language and communication options, such as sign language interpreting and captioning; environmental access, such as a quiet environment with good lighting and visual displays; technological access, such as the provision of volume control phones and teletypewriters and dual audible and visual fire alarms. It also means the development of policies and processes, such as with respect to interpreting services, captioning services, and budget lines with clear protocols. It also means attitudinal: the necessity of having staff sensitivity and awareness training, anti-discrimination and anti-audism training.

1440

Although current legislation exists, such as the Supreme Court Eldridge decision and the Ontario Human Rights Code that guarantees the right to access, Ontarians who have a hearing loss or are culturally deaf must, unfortunately, still fight for this right. These citizens face systemic barriers on a daily basis created by the refusal of government and service providers to accommodate their communication and language needs, the lack of accessible resources and human services such as sign language interpreting or captioning services, the lack of awareness and the lack of funding.

No Ontarian should have to fight for their right to access. No Ontarian should be unable to participate fully due to systemic barriers. This bill must be strengthened and must supersede all existing and future legislation and

extend to the Ontario public service, municipalities and the broader public and private sectors.

Also required to achieve a barrier-free Ontario is a truly consultative and inclusive process whereby barrier identification, removal and prevention is based on actual experience and personal knowledge and not just on textbook knowledge.

We thus request that the wording of Bill 118 be amended to state that the minister "must," as opposed to "shall," invite persons with disabilities or their representatives to sit on the standards development committees. To not ensure their full and active participation and input is to not guarantee full accessibility and the attainment of barrier-free services, goods, facilities and activities.

To allow time for Karen, I'll summarize the last two points. It's the reality that human services such as qualified sign language interpreting and captioning are in extremely short supply, as I'm sure this committee has experienced through these public hearings. This bill, therefore, must guarantee the expansion and utilization of these necessary services.

Another barrier faced is the inability or unwillingness of government and service providers to pay for necessary access and accommodation. This must be looked at and addressed. It's suggested that the bill must include funding for low-budget, non-profit organizations and municipalities to ensure that their services and programs are accessible, and all others must be expected to pay. The absence of these access and accommodation provisions will hinder the attainment of a barrier-free Ontario.

Karen now will share her experiences to support this.

**Ms. Karen Higginson (Interpretation):** Thank you, Nancy. I would like to let the committee know that I had prepared a presentation for this afternoon, but based on the experience I had at the new hospital yesterday, I thought I would just share my experience, because I think it encapsulates all of my concerns around this piece of legislation.

Yesterday afternoon I had to take my very sick child to the emergency department at our new hospital. Even though there is legislation in place that guarantees my right to have access to a qualified sign language interpreter in a medical emergency, we only have one in the community, so I knew it was fairly unlikely that my request could be responded to and I went to the hospital quite prepared to write back and forth with the doctor at the emergency.

I'm very lucky in that I am, as a culturally deaf person, well educated and have good English literacy skills, but that's not true of many culturally deaf people. However, when the doctor at the emergency department approached my daughter and me and I offered him paper and pencil to communicate with me, he rudely and clearly told me that he was way too busy to sit down and talk with me and basically ordered my child to interpret for us. This is not acceptable. This is not quality health care service for me, and this is not the way I should be treated when accessing health care services.



As Nancy mentioned, there's the Ontario Human Rights Code. There's also the Supreme Court of Canada ruling in Eldridge in 1996, which clearly put the responsibility in the lap of health care providers that communication is the main barrier in terms of culturally deaf people accessing health care services. To deny me the time to sit and write back and forth with me was really a denial of my civil rights, which I'm already guaranteed under the Charter of Rights and Freedoms, the Human Rights Code and Eldridge.

Previous speakers have all alluded to this, that even though legislation currently exists and good standards do exist, they are not being followed. There is no enforcement and follow-up for the legislation that does exist. What makes us think that Bill 118 is going to be any better? Every day we still fight for the access and accommodation that we're already guaranteed.

The other concern I have is in terms of regulations. Bill 4 recognized American Sign Language as a language of instruction in the educational system for deaf children. There have been no regulations written to date for that bill, and that was enacted in 1993. It has not made any change in our lives whatsoever. So the other concern I have with this bill is that there is clear commitment to a timeline for when regulations will be written for Bill 118, and not just left standing there.

The other area, which Nancy alluded to, is the inclusion of consumers in developing the standards for accessibility.

I will also briefly mention the new hospital. I'm really sorry, but when I go to that new hospital it doesn't feel like it's a building for me, because it's not accessible. This is a hospital built for people who have no disabilities.

I have been fighting all my life. I fight as a culturally deaf person and I fight in terms of my work as an advocate for the culturally deaf community. I don't think I can wait 20 more years. There is already legislation in place that is totally ignored. There is no enforcement, no fines for what currently exists. I want to know that if this piece of legislation is enacted, you are saying to me that I will no longer be treated as a second-class citizen. I want that guarantee. Thank you.

**The Chair:** Thank you very much for your presentation. We've run out of time. Thank you again.

## HUMAN RIGHTS NORTHWEST

**The Chair:** The next presentation will be Human Rights Northwest, John Saxberg. You have 15 minutes. You can start any time you're ready.

**Mr. John Saxberg:** My name is John Saxberg. I'm the advocate for Human Rights Northwest. First, I'd like to thank the committee for the opportunity to present today.

Human Rights Northwest has been in existence for seven years as a group of Community Living Thunder Bay, formerly known as the Lakehead Association for Community Living, and is involved with develop-

mentally challenged individuals. Within the association, we monitored human rights breaches, vetted plans for clients and were involved in any investigations. Rarely, we helped to take complaints to the Human Rights Commission. We continue in these roles as an independent group within the wider community, providing help to developmentally challenged persons and human rights referral aid to the entire community.

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I would be remiss if I didn't start by thanking the Liberal government for some of their initiatives. For 50 years, parents and workers of developmentally challenged children have been trying to convince governments that putting developmentally challenged people in institutions was physically, mentally, socially and spiritually demoralizing. Recently, the government declared an end to the existence of these institutions in Ontario. Although it was done by a different ministry, I have to take this chance to thank the government for finally listening to years of concerns.

Also, the act we're discussing today is an exceptional initiative. Although I am going to criticize parts of the act, I have to start by saying that this act is a major step in the right direction for disabled people everywhere in Ontario, assuming it ever comes into being. My comments are aimed at helping it to do just that.

This committee has already heard a number of people enumerate specific flaws in the act. Without going into detail, we agree that it will be hard to wait for a generation for this act to be proclaimed. Twenty years is the politically unforeseeable future. Who can say whether or not we will ever actually see it come to pass?

There are definitions to firm up. There are questions about how the committees will be formed and how they'll be run. There are serious questions about the tribunal process and about the disclosure of personal information. We expect that the government will deal with all these issues appropriately.

The reason we're here is to tell you that different disabilities bring different challenges; that must be mirrored in the act.

We would like to tell you about the kinds of abuses we see. We see families reduced to poverty because they have a developmentally challenged child and because they chose to do their best for that child. We see teenagers involved with the children's aid society cast loose at the age of 16, until ODSP picks them up again at the age of 18. Then they are put on a waiting list for housing and wind up living with a non-verbal 57-year-old of the opposite sex, because there is nowhere else for them to go. Psychiatric support can be non-existent. Ordinary health care is lackadaisical. For instance, when our clients go for physicals, they are not given Pap tests or even tested for blood pressure. The doctors get paid anyway. Of course, this could be a local phenomenon; therefore, Human Rights Northwest recommends that the standards committees have regional representation.

Developmentally challenged individuals historically have not been able to speak for themselves and are

consequently less heard. Consequently, Human Rights Northwest recommends that there be a standards committee in place specifically for developmentally challenged persons.

Finally, there is the question of enforcement. It must be clear that without some mechanism for enforcement, this is a useless exercise. There has to be some way of reporting, investigating, discussing and even bringing to trial any incidents. Currently, many acts provide for tribunals that resemble the Supreme Court in that it exists only in Toronto. Human Rights Northwest would recommend a tribunal system that more closely resembles the Superior Court system, with a presence in all large communities. If justice is not geographically available, it doesn't exist.

Finally, I'd like to thank you again for hearing our report.

**The Chair:** Thank you. Questions? We have about two minutes each, please.

**Mr. Ramal:** First, I just want to thank you for coming and for having this detailed presentation. You're recommending to have a committee for every form of disability. My question is, don't you think there are going to be many duplications of service and there are going to be a lot of chaotic positions to create a different committee for every form of disability?

**Mr. Saxberg:** Just from listening to the few presentations that I heard today, it seems readily apparent that people are talking about wildly different things for different disabilities. It's hard to see how one committee could possibly cover all of these things and have expertise in all these different areas.

**Mr. Ramal:** OK. Thank you.

**Ms. Wynne:** Thank you for coming. I just want to follow up on that question, because it's an interesting one. The setting of standards committees for economic sectors is the most obvious way of going about this, but you seem to make a suggestion that there should be a standards committee for developmentally challenged individuals.

**Mr. Saxberg:** Yes.

**Ms. Wynne:** I was just looking through Mr. Lepofsky's brief, and I think there's a suggestion there that maybe there need to be a couple of standard setting committees that cut across a number of disabilities where there may be common issues, so not by economic sector but by number of disabilities, and maybe cut down on some of the duplication that I think Mr. Ramal was referring to. I can't actually find the amendment that he's proposing, or it may just be a narrative piece, but does that make sense to you?

**Mr. Saxberg:** If there are a lot of commonalities between certain disabilities, if they could be clumped like that, then it would definitely make sense; yes.

**Ms. Wynne:** I'm thinking about communications issues, for example. There may be similar communications issues across a number of disabilities that maybe common standards could be developed for. So that kind of thing doesn't seem antithetical to you?

**Mr. Saxberg:** It doesn't seem antithetical to me. The problem is that often people from different disabilities don't care to lump themselves with developmentally challenged people, so you might not get the same answer from other people.

**Ms. Wynne:** I was wondering what you thought. Thank you.

**The Chair:** Mr. Leal, a quick one, please.

**Mr. Leal:** Thanks very much, Mr. Chair, and I will be quick.

Mr. Saxberg, you hit upon a very important point when you said that developmentally handicapped people can't speak for themselves, so someone else has to speak. Do you feel that this legislation should have the provision for an advocate to represent people who don't have a voice or can't articulate clearly themselves?

**Mr. Saxberg:** Just as a rough idea, it sounds like it could work. I'd like to see a lot of details about it, and I'm sure you don't have them right now.

**Mr. Leal:** The Chairman just restricted me to a short question, so I couldn't give them.

**Mr. Saxberg:** That's right. As a general idea I wouldn't see any problem with it. I think that advocate would have to have a very wide presence.

**Mr. Jackson:** Thank you very much, Mr. Saxberg, for your presentation. You've raised an important issue about how many committees we're going to have doing standards, whether they're going to be sectoral, so that they're focused on, say, the transportation sector; I believe the minister has decided that's the direction we're going to go in. You've raised an interesting question today to have standards established by those persons, in the case of community living, with cognitive issues. Do you not foresee a problem with such a large number of standards committees and how we're going to have to try to get them to coordinate one with the other?

**Mr. Saxberg:** I'm not sure how much coordination there would have to be between different standards committees. I think that the standards for one group are also going to be different from the standards for another group, and they're not going to cross over. So I don't see any problems with intercommunication.

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**Mr. Jackson:** OK. The other question I have for you: I've been a member of the Burlington Association for Community Living in Burlington for over 35 years, and we've built an awful lot of group homes by getting around our zoning bylaws. I've spent many years fighting both in the Legislature and on municipal council to remove the zoning bylaws that discriminate against group homes or modified group homes, especially for those with cognitive difficulty. The public seems to be the least enlightened about the importance of their true place in our community. Would you be recommending to this committee that something be more clearly defined in legislation? Because this piece of legislation will override the Planning Act; the only act that this act won't override will be the Human Rights Code. Is there some concern



from your organization provincially, and perhaps locally, about those kinds of discriminatory bylaws?

**Mr. Saxberg:** Thank you. You're giving me information that I didn't have before. I think that to call a group home just an ordinary family dwelling would be an excellent thing, because that's essentially what it is. People are living in their homes just like other people, and this is the type of home they have. So to have it be a single-family-dwelling designation would be wonderful.

**Mr. Marchese:** Thank you, John. I've got three or four quick questions. The first one is a statement of agreement: Twenty years is too long, and you're not the only one saying it. Although there might be some individuals the government members can find who will agree with the 20-year period, the majority of deputants have said that 20 years is just too long. I'm hoping that they will deal with that.

Secondly, on the whole issue of the purpose clause—I don't know if you've seen the purpose clause.

**Mr. Saxberg:** Yes, I have.

**Mr. Marchese:** Does it worry you that there is no inclusion of language that talks about an anti-discrimination clause or just getting rid of barriers altogether, that the purpose clause says, "The purpose of this act is to benefit all Ontarians"? That's the way it starts, and then it talks about developing, implementing and so on, but it doesn't have any language that says, "This is going to be an anti-discriminatory bill. We're going to break down barriers." Does it concern you at all?

**Mr. Saxberg:** To be perfectly honest with you, Rosario, I'm not a lawyer and I don't understand all of the implications of a purpose clause. To me, this reads like a bill that talks about people's rights. I'm not sure how much it matters whether or not that's spelled out at the beginning.

**Mr. Marchese:** I agree with you. Lawyers obviously understand that it does matter because it sets the framework for the way the whole bill is interpreted. But that's fine.

The other question has to do with enforcement—I'm afraid the Chairman at some point is going to say we're running out of time.

**The Chair:** I will allow you a little flexibility.

**Mr. Marchese:** On the whole issue of enforcement, you heard the other deputants before you saying, "The law is being flouted at the moment. It's not being applied." They and I are not encouraged that this bill has any enforcement mechanism that will make me feel good about enforcing any aspects of this bill. Inspectors may be hired, but they won't have to be or they may not be. That's the language. In terms of compliance, a director "may review an accessibility report," but doesn't have to, and there's no framework; there's no one responsible for administering the fees or penalties when someone doesn't apply the law. So there's really no enforcement mechanism, and if people are flaunting the law now, I suspect they will continue to do so under this bill unless something is changed. Do you not agree with that?

**Mr. Saxberg:** Yes. I thought I stated that when I said that this is really a useless process. Unless there's some kind of enforcement mechanism put into place, we're just wasting our time.

**The Chair:** Thank you.

**Mr. Marchese:** And the two minutes have—

**The Chair:** Thirty seconds.

**Mr. Marchese:** And the thirty-second last question has to do with the fact that you pointed out a whole lot of other problems. This bill deals with the issues of physical access and a duty to accommodate in employment, but it doesn't deal with all of the other issues you raised that people with disabilities have. Do you think that even if you had representation on one of those standards committees, we would deal with the issues that you raised, other than the issues of physical access and a duty to accommodate in employment?

**Mr. Saxberg:** I don't think everything would be dealt with, but I think it would be good to have at least some things started to be dealt with.

**The Chair:** Thank you to all of you. Thank you for your presentation.

#### KIM CARIOU

**The Chair:** We'll move on to the next presentation, which will be done by teleconference. Do we have Kim Cariou on the line?

**Ms. Kim Cariou:** Yes; I'm right here.

**The Chair:** Please proceed with your presentation. You've got 15 minutes. If you leave us some time, we will allow the honourable members to ask you questions.

**Ms. Cariou:** I didn't hear the full presentation of this gentleman, but I'm representing the autism society in the north, north of Fort Frances to the Manitoba border. I also have a child with autism. I'm speaking for autism, but that doesn't mean it doesn't cover all with disabilities, because they have a lot of common deficits.

I'm really here today to try to break some of the barriers of the policies and practices of the government—including the two new agencies and school boards—that affect people with ASD, who we would like to mainstream more into society. It's very difficult for us down here. Hearings such as this happen to be in Thunder Bay. A lot of people think Thunder Bay ends there, but they don't realize that down in the rural areas like Red Lake they're travelling down one-lane dirt roads, with wildlife etc. It's very hard, and it would be nice to see them go beyond Thunder Bay for many services, not just this hearing.

I want to touch on children's services, adult services and education. We have almost nil services, no behavioural consultant. There are no daycare programs for individuals beyond the age of six. We would like to see daycare programs, summer camps. The only things families have to depend on are their workers covered through SSAH, and other home respite, which everybody has across the province. When we're looking at programs—for instance, Sudbury had come down to Kenora

to discuss a program. She had listed all these programs they had down in Sudbury. I said, "Can Kenora or Rainy River utilize these programs?" She said, "Well, I would hope so." But these are programs we've never ever heard of and we just don't have the professionals down here.

The AODA also needs to address appropriate education. Children need their needs met by specialized training; absence due to expulsion; discrimination due to the lack of special education for ASD students; lack of resources and equipment. Students with autism and many other disabilities also have a lot of sensory issues. A lot of this has to do with the equipment and the knowledge to go along with that. This is a big one for me. I find that people just don't have the knowledge of autism, and it's the parents who have to do the groundwork. I think it should be mandatory for teachers and education assistants to have adequate training, and that's not just meaning PD days when they do in-house training. I'm talking about actual communication devices and programs of speech, OT and the knowledge to implement programs. Our professionals here will tell you, "I don't know anything about autism. I don't know how to implement a program for autism. I don't have any background in sensory issues." To me, you have to deal with the sensory before you can deal with the actual disability, before any work can be done. That's a really big thing.

I would also like to address adequate service for adults. That is huge, especially down here. I don't know what it's like in the other parts of Ontario.

Residential housing for ASD: Kenora Association for Community Living has housing. We know we want to fulfill their lives to the best, so they have access to all the social programs, as you and I would like to have. Residential housing needs to be addressed, and daycare centres, vocational centres. I was up in Flin Flon, Manitoba, for a few years and I couldn't believe it. They had this vocational centre. It was for all forms of disabilities. It was like their own little shop. They ran a little business out of there. I just thought that was wonderful. That would be something I really would like to see happen.

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It would be beneficial to have a farm setting. I don't know if you're aware of St. John's, Newfoundland. They just put in this residential centre in a farm setting. They have a music centre there. This would touch you and me, but it touches them even more.

We need to have more trained dogs for people who have safety issues, because safety issues are a huge thing with individuals with autism.

The other thing we'd like to see is that a lot of people across the province have Snoezelen rooms, which is a sensory room for disabilities across the board, not just autism.

We need a place for our children and adults to experience what other people take for granted. An example is going to camp, going to work, social integration. The ODA needs to separate support—income programs should be separate from the welfare system.

I know this is a lot to take, but I really would like to see someone actually look at our area and see what services we have. They would clearly see that it's not what you may get down in the Toronto area. I don't think we should be penalized because we live in the north. I get many, many calls. Children aren't going to school because the education system just can't—I think it's because of the lack of resources and the lack of equipment and knowledge. Our children are going to get older and live just as long a life as you or I do, and the quality of life means a lot.

I guess that's it. I thank you for hearing me.

**The Chair:** Thank you. There is a minute for each party to ask questions. We'll start with Mr. Jackson.

**Mr. Jackson:** Thank you very much, Kim, for patiently waiting to connect with us today. First of all, I want to thank you for commenting on the concerns with respect to adequate funding. We're getting more and more deputants before this committee who are of the impression that the only way an Ontarians with Disabilities Act is going to be enacted and successful and accessible is if governments adequately fund programs of support to ensure that citizens can live on an equal basis.

You represent a distinct group of children and young adults whose needs have really only been identified in the last 20 years effectively, and to be more candid, probably really, in scientific terms, only in the last 10 or 12 years. So this is a whole new area, yet we're not really seeing the levels of support that should be applied to ensure that children with this disability or this handicap are able to function in our school system.

Are you concerned that this legislation doesn't deal with the requirement of governments to adequately fund specific programs?

**Ms. Cariou:** I guess I am. The education system gets a lump sum for each child, but it's not really for that individual child. It's about equipment. I know we go through this ISA funding thing. I know so many adults out there right now who are sitting at home doing nothing, literally nothing. It's very sad. Can you imagine living day to day, sitting in your house, doing nothing?

As I mentioned, what they've done in St. John's, Newfoundland, is amazing. It's like a stimulation for all levels of disabilities. We're not just talking about autism. That's something I would really like to see, because your adult life extends beyond your younger years. It's something to look forward to. You get up in the morning to go to work. Adults with disabilities also need to function within the community, to be in a job placement. They can get out there and actually feed the animals. They just totally relate to animals. I don't know why that is, but they do.

**Mr. Marchese:** Thank you, Kim. Just a couple of comments. I regret very much what has happened in the past 10 years. We've had an incredible economy and we haven't put the money into those services that were desperately needed. I'm afraid that problem will continue and is continuing. We know that families of people with autism have been lobbying to get support beyond age six.



We were hoping it was going to happen with the Liberal government, but it's not, so that problem will continue.

You're hoping this bill could accommodate people with issues other than just physical access or accommodation for people with disabilities in the workplace. The problem is that autism is a disability, but this bill really doesn't get to the services that you and your family and your child desperately need. What is your hope or your message to us, and to the government in particular, in terms of how we could have such a bill that could be a little more expansive and supportive of the needs you're talking about?

**Ms. Cariou:** They really need to revamp the whole funding process and put the money where it's most needed. Having a little empathy and putting themselves in these individuals' shoes—it's not their fault that they ended up autistic or mentally challenged. It's just an act of God, I guess. I don't know what it is. They're just lucky that they don't have to face these issues each day, and I would really like them to sit back and think, "Oh, my gosh, all we have to do is a little residential centre." I'm not a group home person per se, because I want something more stimulating. We all know they have the right to an independent dwelling, but I'm looking beyond. I want something more stimulating than just housing for my child or my neighbour's child or whoever. I guess that's where I'm coming from right now.

**Ms. Wynne:** Thank you, Kim. It's Kathleen Wynne. I'm a member from Toronto. I just want to take your point about the issue of regional resources and the fact that in the north and more remote areas, you're dealing with difficult problems. You probably know, because you're pretty close to the issue, that this government has just put in \$40 million, which will increase to \$100 million over the next couple of years, to deal with some of the professional development issues and the programming for autistic kids.

But the question I want to ask you is about the residential aspect, because we haven't really heard that in our deliberations. Provision of services has been a big issue, but we haven't had anybody talk about residential programming. Can you just talk about the Newfoundland experiment for a sec?

**Ms. Cariou:** I don't know a whole lot about it. A girlfriend gave me the article about how they put it together. It's like a residential home, and it's got like a Snoezelen type of room and a music centre. Outside, it has—I guess you would almost think it was like a petting zoo. They have animals. The kids interact with these animals, and they've made amazing progress with it.

**Ms. Wynne:** So it's like a live-in community?

**Ms. Cariou:** That's right. It could be a daycare program or they can live in the centre. It's pretty amazing. I don't know if you're aware of Temple Grandin, but she has just come out with a book on individuals interacting with animals. I haven't read it yet, but it's quite interesting. It seems to liven them up. I don't know what it is; it's something to do with music and animals. This is something that needs to be looked at. I'm also talking about the vocational centre. That's something for them to

get up and say, "Oh, I've got to go to work today." In the centre I was talking about in Flin Flon, they had wedding supplies.

**Ms. Wynne:** As Mr. Marchese said, we're really climbing out of a hole that's been dug in the last 10 years and there's a lot of research to do. So thank you very much.

**The Chair:** Thank you for getting to us through a teleconference.

1520

#### KENNETH STIENKE

**The Chair:** There are two more presentations. The next presentation will be from Kenneth Stienke. You have 15 minutes for your presentation. You can start whenever you're ready, sir.

**Mr. Kenneth Stienke:** My name is Kenneth Stienke. Good afternoon, Mr Chair and all members of the standing committee on social policy, ladies and gentlemen. I would like to take this time to thank you for giving me the opportunity to speak to all of you today about my concerns on Bill 118. As a third-year student in business administration, human resources, and a person with disabilities, such as a learning disability—throughout this, you'll see a couple of spelling mistakes. The program Read Please from Confederation College would have come in handy for me at this point in time.

The main purpose of Bill 118 is about removing and preventing barriers for people who have a disability in Ontario. My concern is with setting the mandatory accessibility standards in both the public and private sectors. How high or how far will these standards go? Will the building code for new buildings make it mandatory?

The second point I would like to make is the timelines and standards for each sector. My concern is that the length of time it will take is way too long, in my opinion. I am 40 years old, and accessibility will be in place when I am 60. Until then, what am I and many other people in the same boat, or worse off than me, supposed to do? Stay at home? All government and public buildings should be on-line within the next five years. How will the standards development committee get the private sector on-line, to what extent and at what cost? Most of the buildings in Ontario are older than me, and my children consider me ancient. Can employers get special grants or funding to comply if their office or business is in an old building? Make it mandatory that all doors open to the outside; not just the main entrances and exits but washroom doors etc.

In 1992, the United Nations proclaimed the International Day of Disabled Persons. My suggestion is, why not make it a special holiday every year, on a certain calendar date? It doesn't have to be a paid holiday or anything, but recognize it for everyone with a disability. That would be nice and a good start.

Plus, let's not forget that people with disabilities, most of us like myself, would like to say that there is no such

thing as disabilities; it's abilities. We do have the ability. We just need a chance to prove ourselves.

Last, it is my understanding that there will be several committee panels across Ontario. My question for you is, who will sit on each one or make up these panels? Many people and organizations would like to have at least one of their members sit on them. How many people will make up each one and have equal representation, such as, say, two government, two company, two organization and two people with disabilities? And to make it fair, one member of a company or organization should not have any commitment from another member from that, no affiliation of any kind. That way, it will be seen to be fair.

I would like to end by saying thank you to all of you for listening to me today about my concerns on such short notice.

**The Chair:** Mr. Marchese, two minutes.

**Mr. Marchese:** I'm happy that you're speaking to the issue of the time frame again, because I really believe that we are going to convince the government that the time frame is simply too long. Most deputants—90%, if not more—are saying that 20 years is too long; we need to shorten that—

**Mr. Stienke:** Yes.

**Mr. Marchese:** —and you agree with that.

We at Queen's Park do have a few minutes when members from the government and the opposition parties speak on issues on the International Day of Disabled Persons. While that is nice, it simply isn't enough, and that speaks to the whole notion of why we need public education, why the government ought to have time on television where they actually talk about how people with disabilities have been discriminated against for a long time and what we as a society need to do to break down those barriers. We need to do a lot more in that regard.

**Mr. Stienke:** Yes.

**Mr. Marchese:** The question you raised about who will sit on those standards development committees is a very good one, and many people have raised that as well. A lot of people just don't know who is going to be on that committee and who is going to decide, except by way of the ministry. We are concerned that some people will be left out, and we don't know what the process will be to appoint people. So you raise a good question that hasn't yet been resolved, and we hope that at some point the government will make it a little clearer.

**The Chair:** Thank you. Let's give an opportunity to Mr. Ramal, the PA of the minister.

**Mr. Ramal:** First, I want to thank you for coming on short notice, as you mentioned, and for the presentation. You raised good questions in terms of the time frame. I know there is a lot of confusion about the time frame. Some people think the results will start to appear after 20 years. I would assure you that 20-years' time is just the end of making Ontario barrier-free. It's going to be in increments of time. The ministry is going to monitor the process, and hopefully, through that period of time, there's going to be a lot of elimination of many barriers facing people with disabilities.

**Mr. Stienke:** What I would like to see, though, is to have it in place, for instance in all public buildings, within the next five years, if they're not already on that road or track.

**Mr. Ramal:** OK. Definitely. Not just government buildings, our intent in the proposed bill is to have all private and public places accessible as soon as possible. We listened to many presentations by the private sector. They are willing to do it as soon as possible, because they see it as an investment to increase their business, especially the hospitality sector: coffee shops, restaurants, movie theatres etc. All of them are willing to participate in eliminating barriers as soon as possible. They don't want to wait 20 years, because they see it as an opportunity to increase their business.

In terms of who is going to sit on the committee, I assure you there is going to be fair representation from all parties involved in this bill. There's going to be fair number of representatives from the disabled community in order to help construct a bill that would be good for the disabled community and for all Ontarians. This is what we are looking for.

**The Chair:** Thank you very much for your comments. I think those are all the comments. Thank you for coming today.

1530

## SUSAN BLEKKENHORST

**The Chair:** We have another presentation before finishing. It's from Susan Blekkenhorst. Good afternoon.

**Ms. Susan Blekkenhorst:** Thank you for the opportunity to speak, and thank you for fitting me in at the last moment as well. My name is Susan Blekkenhorst. I've been advocating in the field of disabilities for just over 13 years. I have a personal and vested interest in it, in that I have five children and one of them, according to the various definitions that exist within the government and other associations, apparently has a disability.

I'm going to start by telling you a little bit of a story about when she was born. She had multitudes of health difficulties. She had two holes in her heart, lungs full of fluid and a few other things along with that as well. They didn't expect us to be able to take her home. Two times after that, they also told us that we would not be taking our child home. Within a three-year period, I was told three times that my baby was going to be gone. She fooled us all.

The point I want to make is that when the doctor was giving me all this information, he took me off to another room to give me privacy. He started to explain all the health difficulties. I got through that, in spite of the sleep deprivation and everything else that was going on at the time. But then he told me that my daughter looked different from my other children. Keep in mind that this is the fourth. I have five children, and this was my fourth. I had no idea what the man was talking about. He was trying to be good-hearted and everything else. So I assured him that my husband had fathered all of my children.



Anyway, it became an issue of him starting to explain about chromosomal abnormalities, developmental disabilities, etc. I didn't know what he was talking about, so I started to learn. I had no idea. That was the beginning of a lesson that is just phenomenal. It has brought a richness to our lives and opened my eyes, my heart, our door and our whole world, and I think the whole world should benefit from that.

Of all of the things that have been said here today, I cannot stress enough: attitude, attitude, attitude. We were talking about developing social policy, a concept about how we were all going to live together. I'm not even referring to my notes; this is something that is very, very important to us. Again, attitude has to be addressed before we can get into the rest of it. All the money in the world, every social policy, every program, all the training, anything you want to provide is not going to meet the needs of people with disabilities in our communities unless they are accepted, unless we accept inclusion as a concept for all of us.

When the doctor explained about the disability, I started to get upset. At first, I didn't know what it was, and I got upset. My family doctor said, "So what if she does?" Exactly. So what? She's no more different, or differently valued, within our family than any of the rest of us. Sometimes we have to do a little bit more work, and it has opened a door that I can't even begin to explain.

To go into some of the notes I was talking about, we need to look at people with disabilities and allow dignity. Accept them for who they are, instead of trying to make people better. I don't see that this act addresses that. Again, in order to address accessibility: attitude, attitude, attitude. I can't say it enough times, and I've heard it from a lot of the other people who were here as well.

We try to standardize according to disability, let alone within the school system and the things that are going on there. To me, this bill would be really, really good if we considered it a sales pitch or some kind of marketing strategy. We've already got the legislation, we have the Charter of Rights and Freedoms, we have the Ontario Human Rights Code. Let's make them as valuable as they were intended to be when they were written.

As for the 20-year time frame, I don't have that much time. In 20 years, I hope I'm trading in my Corvette for a new one, because I'm selling my house and I'm on the road once my kids are old enough. I don't have 20 years to wait for these kinds of things to be established for one of my children, and I can't expect my other four children to take that load. It's my responsibility, and I'm lobbying you here today to address it.

Some of the suggestions I might have around the physical changes that could take place: inter-ministerial co-operation. If I go to a community care access centre, I'm dealing with one ministry. Then I go to the school system and deal with another ministry; the health system, another ministry again. I'm telling my story over and over again, and I'm tired of it. I don't want to tell it anymore than I want anybody else to listen to it.

The negative descriptors in order to find funding, in particular within the education system—the reason I'm bringing these all up is because, again, it's attitude and it impacts heavily on how we look at people with disabilities. We need to start thinking and viewing people in terms of what they are able to do, instead of what they are unable to do or how much they deviate from some so-called norm that someone has decided we all have to be above or below. I've never asked my children to be normal, and they meet that mark every day.

The definition of "disability": Again, it's negative. It's in terms of what we cannot do. We're trying to encompass a multitude of different disabilities in terms of their negativity versus what they can contribute. So what? Do we go around describing everyone by the colour of their hair, the colour of their eyes? I know we get carried away sometimes with the colour of skin, and that is another area that we're working with. To me, if we want to be specific to disabilities, we're being just as discriminatory as in getting into racist types of issues.

The more one deviates from this so-called norm, the easier it is to get money. You don't necessarily get the services you want but, boy, will that money get banged on to you—whatever. That's it. Thank you for listening.

**The Chair:** Thank you. I'm sure there will be some questions. We have up to two minutes each. Mr. Jackson, do you want to start, please?

**Mr. Jackson:** Elizabeth, right?

**Ms. Blekkenhorst:** Susan.

**Mr. Jackson:** Susan, sorry. What's your daughter's name?

**Ms. Blekkenhorst:** I have four of them. The one with the disability is Lyndsay.

**Mr. Jackson:** Lyndsay. How is she doing?

**Ms. Blekkenhorst:** She's doing just fine. She's got attitude too, just like her mom.

**Mr. Jackson:** So she has different abilities, not a disability.

**Ms. Blekkenhorst:** I don't see her, nor does anybody else in our family see her, as having a disability at all. She's just a member of our family and she annoys us; she makes us happy. She's 13; she's a teenager; she's annoying.

**Mr. Jackson:** In my family upbringing with 10 brothers and sisters, I had a similar experience. We just didn't know that it was a disability. We were all taught to be equal and to be cared for.

I was fascinated by the clarity with which you thrust upon the table for us the issue of, why are we not armed with the Charter of Rights and Freedom and armed with the Ontario Human Rights Code and armed with a current ODA that is tied to the Human Rights Code? Why can't we make that work? That's been bothering me, because various groups have come forward because there's concern that the Human Rights Code and the process involved is a long-drawn-out affair. There are more and more and more cases of disability issues before them. They take two-plus years and some can take as long as four years. This legislation doesn't have in it something to accelerate that and resolve issues quickly.

You hinted at that latter point, but did you want to share with us some of your concerns in that area?

**Ms. Blekkenhorst:** My concerns in that area? It takes too long to go through the Ontario Human Rights Code process; I'll say that right up front. Maybe we need to put other mechanisms in place where we can be addressing issues either on a local level—I don't have the answer for this. I really, really wish that I did.

I'm fortunate in that I also get to advocate for people within our community who don't quite fit into the system. Typically, it would be kids within a school system. In almost every circumstance, we are able to come to some kind of agreement as to what we're going to put into place. We keep the child focused if we're talking about a school situation, and both sides come together and we say, "No, we can't do that. Yes, we can do that. Yes, we'll try this," and so forth. To me, that works far more effectively, but it also takes time.

I really wish I could answer your question, but I don't have that answer.

**Mr. Marchese:** Thank you, Susan. I congratulate you as a mother. I have a sister-in-law who has a son with cerebral palsy. The mother and father—the mother in particular—have tremendous resolve to defend his right not to be treated any differently from any one of her other children. It's incredible, the strength they have to be able to deal with that, and they deal with that happily. It's just amazing. I don't know what I'd do. That's why I congratulate those who do it so well.

**Ms. Blekkenhorst:** It's not a big deal sometimes.

**Mr. Marchese:** Perhaps.

**Ms. Blekkenhorst:** This is out of the norm.

**Mr. Marchese:** But I see the sacrifices.

The whole point of the time frame: I know that the government members will try to convince us that this is just a time frame and that things will happen. It's not a convincing argument. Most people who come before this committee are not convinced that the 20-year time frame is correct. People would be happier if it were a 10-year time frame, and then you work what you can in between and hopefully move fast in the first couple of years as a way of showing people that something is happening. So I'm convinced that the government will have to move on the time frame; otherwise, people will be upset.

1540

On the issue of education: When most bills come before us, I happen to be the one who always remembers that education ought to be part of the process of explaining the bill. Everybody agrees, and nothing ever happens. I'm worried that this will happen just as well with this bill. Hopefully it won't.

You raise interministerial issues, and I was hoping that this bill, dealing with disability, could consolidate some of the other problems that people have as we talk about issues of services relating to people with disabilities. But it won't do it. It'll just deal with issues of access, and that's about it. Then you'll have to go to every other minister to defend whatever right or service you're looking for. I find that deplorable. It's a shame.

**Ms. Wynne:** Very quickly, because I know my colleague would like to ask you a question—Susan, thank you very much for coming and speaking today. First of all, I want to acknowledge your point about the process of ISA funding and the ISA's identification of students being very much biased toward the most negative assessment possible. That's certainly something that we're trying to look at in the Ministry of Education, because in my opinion we should be looking more at excellent programming and results for kids. Is that the direction you'd like us to go, as opposed to the negative identification?

**Ms. Blekkenhorst:** Absolutely. Lyndsay is in grade 7 at one of the schools out here right now, and we have never gone through the formal identification process. At the time, I was not a single mum, and I wasn't working two jobs, so I was in a different financial position. I suggested that if we had to go through this process, then I would take it into the human rights realm and try and address it differently.

Not once has she been denied services in the school. Granted, we don't have a whole lot of extra funding, but she still gets the support she needs without the negativity. They just made it happen because they believed in her and they believed in the kids in the school system. They made it happen.

**Mr. Ramal:** Thank you, Susan, for your passionate presentation. I know it means a lot to you to present your case in front of us here and to tell the world about your case and about your experience.

I agree with you about a couple of issues you mentioned, about attitude. I know the bill doesn't speak about education; hopefully it will be included in the future due to people like yourself and the many people in the community, the many organizations that advocate on behalf of the disabled community across the province, working together in conjunction with the government in order to eliminate this important psychological barrier.

Second, when you talked about normality: I know "normal" and "abnormal" mean nothing. It's all relative. It depends on the structure of society and culture. What's normal for you and me may be different in different places and to other people. Also, this one here we have to eliminate if we want to get rid of the attitudinal barrier.

Another important thing you mentioned is about the 20-year time frame. I agree with you that for some things we have to move fast, especially public places, essential services like hospitals, restaurants, coffee shops, hotels, sidewalks, parks etc. But the 20-year time frame was meant for some historical places and some areas where we cannot hit it as soon as possible. It has to be phased in within a certain time frame in order to absorb the costs to the people who own those places. That's what we meant by a 20-year time frame. Other than that, hopefully, when the bill passes, we'll move as quickly as possible in order to address and eliminate the concerns you and millions other in this province are facing, to have Ontario barrier-free.

I thank you for coming, and I thank all the people who came before you and presented their cases and their



concerns before this committee. Hopefully you'll see results soon in the future.

**The Chair:** Thank you, everybody. That ends this evening's presentations. We will resume tomorrow in

Ottawa at 9 a.m. Thank you to the city of Thunder Bay and the vicinity for having us here. Have an enjoyable evening.

*The committee adjourned at 1546.*











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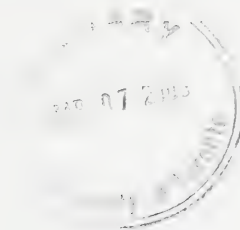
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## Assemblée législative de l'Ontario

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# Official Report of Debates (Hansard)

Tuesday 8 February 2005

# Journal des débats (Hansard)

Mardi 8 février 2005

## Standing committee on social policy

Accessibility for Ontarians with  
Disabilities Act, 2005

## Comité permanent de la politique sociale

Loi de 2005 sur l'accessibilité  
pour les personnes handicapées  
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## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
SOCIAL POLICYCOMITÉ PERMANENT DE  
LA POLITIQUE SOCIALE

Tuesday 8 February 2005

Mardi 8 février 2005

*The committee met at 0908 in the Cartier Room, Ottawa Marriott, Ottawa.*

ACCESSIBILITY FOR ONTARIANS WITH  
DISABILITIES ACT, 2005LOI DE 2005 SUR L'ACCESSIBILITÉ  
POUR LES PERSONNES HANDICAPÉES  
DE L'ONTARIO

Consideration of Bill 118, An Act respecting the development, implementation and enforcement of standards relating to accessibility with respect to goods, services, facilities, employment, accommodation, buildings and all other things specified in the Act for persons with disabilities / Projet de loi 118, Loi traitant de l'élaboration, de la mise en oeuvre et de l'application de normes concernant l'accessibilité pour les personnes handicapées en ce qui concerne les biens, les services, les installations, l'emploi, le logement, les bâtiments et toutes les autres choses qu'elle précise.

**The Chair (Mr. Mario G. Racco):** Good morning. It's a pleasure to be in Ottawa this morning. Today will be our last discussion going around Ontario. We will be back in Queen's Park hopefully next week and we're going to do clause-by-clause with all the party members, dealing with the information we have received from the public not only during the two days in Toronto but also in Niagara Falls, London, yesterday in Thunder Bay and today, of course, here in Ottawa.

Today we have services in French. We have French interpreters. We also have ASL interpreters. They will be here until 6, or I guess until 7 today. We have closed captioning on the screen at the back, and there are three support service attendants available throughout the day for any help. Can I ask them to show themselves? I see two, but there are three of them. If you need any assistance, please ask them.

This discussion today will be broadcast on the parliamentary channel and Webcast on [www.ontla.on.ca](http://www.ontla.on.ca). Today's hearing will be shown on Thursday 10 February, so a couple of days from today.

I should also mention that we will be discussing the matter, as I said earlier, potentially next week in clause-by-clause. Your comments are necessary for us to be able to do a better job. We thank you for being here and letting us know what is important to you and what you want us to do.

I will allow everyone up to 15 minutes. Today I will be stricter than yesterday, so whenever the 15 minutes are over, I will ask that we stop, otherwise other people will be waiting and that's not fair. We have a few minutes to start, but we will try to stick to the 15 minutes. So when anyone has a minute, we will comment, and the reply from the speaker means a minute, if we can all keep that in mind. I thank you for listening.

## DAVID THOMASSON

**The Chair:** I would ask that our first deputation, David Thomasson, please start. Thank you, and good morning.

**Mr. David Thomasson:** Good morning. Thank you for letting me present to you.

My name is David Thomasson. I am bipolar and psychiatrically disabled. I am on the Ontario disability support program. I welcome your questions at the end of my 11-minute presentation.

The ODA must be amended to remove clause 40(1)(r), which allows the minister to exempt organizations from the ODA. I am very concerned that if clause 40(1)(r) remains in the ODA, the Ontario government will exempt the Ministry of Community and Social Services and exclude the Ontario Disability Support Program Act from ODA enforcement.

Premier McGuinty, Minister Papatello and Minister Bountrogianni are well informed, so I contend that the government of Ontario, via the Ontario Disability Support Program Act, is the single largest source of discrimination against Ontario's disabled people. As I speak to you, disabled people across Ontario are being discriminated against by the Ontario disability support program. Prove me wrong at the end, if you can. No one has yet.

On January 6, 2004, Jim Brownell, my MPP, wrote to Minister Papatello:

"Mr. Thomasson has visited my office on a number of occasions concerning his desire to have the government of Ontario end discrimination against disabled people under the Ontario disability support program.... On April 17, 2003, I received a letter from Mr. McGuinty, then-leader of the official opposition, indicating that he would take Mr. Thomasson's case under advisement. On July 23, 2003, having not heard anything further on Mr. Thomasson's case I wrote back to Dalton McGuinty.... As the minister responsible for the Ontario disability support program, I would appreciate any help...."

On February 4, 2004, Minister Bountrogianni wrote to me:

"Thank you for your e-mails to me and the ministry regarding income support for people with disabilities and the upcoming consultations on the Ontarians with Disabilities Act.... Your comments as a member of the disability community are welcome.... Your specific concerns regarding the Ontario disability support program (ODSP) would best be dealt with by the Ministry of Community and Social Services, under whose jurisdiction this program falls. Therefore, I am forwarding your e-mails to my colleague, the Honourable Sandra Pupatello, Minister of Community and Social Services, under whose jurisdiction this program falls."

0910

On February 10, 2004, Dr. Kuldip Kular, MPP, e-mailed me:

"Dear Mr. Thomasson,

"Thank you for your e-mails regarding ODSP. Please be aware that responsibility for the ODSP program is not with the Ministry of Citizenship and Immigration but with the Ministry of Community and Social Services. Accordingly, I have forwarded your correspondence to Minister Sandra Pupatello, who carries that portfolio."

On March 5, 2004, Heather Shantora, special assistant to Minister Bountrogianni wrote:

"Dear Mr. Thomasson,

"...You have done the right thing by writing your MPP, Jim Brownell.... [T]he Ontario disability support program is outside the scope of Minister Bountrogianni's ministries. The ODSP falls under the Ministry of Community and Social Services...."

Minister Pupatello never responded. Effectively, the McGuinty government has already excluded the Ontario disability support program from the Ontarians with Disabilities Act.

On July 2, 2004, Jim Brownell, MPP, wrote to Premier Dalton McGuinty:

"Please find attached documentation which was presented to me by Mr. David Thomasson, a constituent of mine in Stormont, Dundas and Charlottenburgh. Mr. Thomasson has visited my office on many occasions and has sent many, many pieces of correspondence to the government of Ontario concerning his view and desire to have the province end discrimination against disabled people under the Ontario disability support program.... Any help your office may provide on this matter would be appreciated."

Premier McGuinty, Minister Pupatello and Minister Bountrogianni are still stonewalling. No one has disproved my arguments. The McGuinty government continues to actively enforce ODSP discrimination against disabled people. Premier McGuinty, Minister Pupatello and Minister Bountrogianni could have already stopped ODSP discrimination. Each member of the McGuinty government is accountable for ongoing ODSP discrimination against Ontario's disabled people that was legislated by the Harris Conservatives and continued by the McGuinty Liberals. ODSP discrimination against dis-

abled people will continue until MPPs compel the Ontario government to stop it.

I am very concerned that if clause 40(1)(r) remains in the Ontarians with Disabilities Act, the Ontario government will exempt the Ministry of Community and Social Services from ODA enforcement and allow ODSP discrimination to continue. I contend that the Ontario government, via the Ontario Disability Support Program Act, is the single largest source of discrimination against Ontario's disabled people. I offer a test to disprove my argument: Simply explain how the ODSP Act complies with the Ontario Human Rights Code and the Charter of Rights and Freedoms. So far, no one has passed the test.

The essential eligibility criterion to be on the Ontario disability support program is that the government of Ontario must agree that the person is medically disabled. Financial need is a secondary and somewhat flexible ODSP eligibility criterion. The Charter of Rights and Freedoms and the Ontario Human Rights Code applies to the Ontario Disability Support Program Act. Section 47 of the code covers disabled people on ODSP. Every barrier and restriction that applies only to disabled people on ODSP is discrimination because of medical disability.

For example, the ODSP Act legislated a quasi-judicial prosecution and punishment process that violates the charter rights of every disabled person punished under the ODSP Act. The ODSP Act empowers the director and bureaucrats across Ontario to use statutory power of decision to judge and punish a disabled ODSP recipient. The initial quasi-judicial director's decision against a disabled person is made by a vague, closed-door process. The ODSP Act does not specify criteria for determining the quasi-judicial director's decision that a disabled person has violated the ODSP Act. The director is only required to give notice of a decision that may be appealed. The ODSP Act does not allow the disabled person to attend or be represented at the quasi-judicial director's decision nor the subsequent quasi-judicial internal review. ODSP bureaucrats use the quasi-judicial administrative process to judge and punish the disabled person in absentia, in secret, without independent observers and without a recorded transcript. The ODSP Act denies disabled people the basic right to be presumed innocent until proven guilty by a public hearing.

ODSP bureaucrats convict disabled people of a violation of the ODSP Act or its regulations and immediately enforce the punishment while the disabled person appeals. The ODSP Act uses a reverse-onus clause to deny disabled people the benefit of reasonable doubt.

The disabled person must immediately use the quasi-judicial ODSP Act appeal process despite violations of his or her charter rights by the ODSP process. The disabled person must request a quasi-judicial internal review appeal before the 10-calendar-day appeal deadline expires. The quasi-judicial internal review appeal is an "informal administrative process." The disabled person cannot attend or be represented at the quasi-judicial internal review. ODSP bureaucrats judge the disabled



person in absentia, in secret, without independent observers and without a recorded transcript.

Unless immediately appealed, ODSP quasi-judicial director's decisions and internal review decisions are final and equal in force of law to decisions by the Ontario Superior Court. The quasi-judicial ODSP process does not obey the rules and responsibilities of the Ontario Superior Court nor the Statutory Powers Procedure Act. ODSP bureaucrats exercise the force of law without obeying the rule of law. The internal review decision must be appealed to the Social Benefits Tribunal within 30 days or the internal review decision is final and cannot be appealed. At the Social Benefits Tribunal, the disabled person is denied the presumption of innocence and the benefit of reasonable doubt. ODSP only permits a disabled person to defend after he or she has been deemed guilty by the quasi-judicial director's decision and internal review process.

ODSP Act quasi-judicial prosecution and punishment denies disabled people the right to notice of charges before conviction, the right to counsel before conviction, the right to defend before conviction, the right to plead innocent before conviction, the right to examine and cross-examine witnesses and evidence before conviction, and the right to a public hearing before conviction. The ODSP Act quasi-judicial prosecution and punishment process exercises the force of law without obeying the rule of law. It is just one example of ODSP discrimination. Every restriction and prohibition that applies only to disabled people on ODSP is discrimination because of medical disability.

I contend that the Ontario government, via the Ontario Disability Support Program Act, is the single largest source of discrimination against Ontario's disabled people. No one has proved me wrong. ODSP discrimination has not been stopped. I challenge anyone to clearly explain how the Ontario Disability Support Program Act complies with the Ontario Human Rights Code and the Charter of Rights and Freedoms. No one has met my challenge. The ODSP Act violates the code and the charter.

On December 11, 2002, Dalton McGuinty wrote to me: "I agree that discrimination against persons with disabilities is totally unacceptable. Rest assured that my team and I will do our utmost to ensure they are treated with the respect they deserve."

The McGuinty government has enforced ODSP discrimination throughout the ODA consultation process. Effectively, ODSP discrimination is already excluded from the ODA. ODSP discrimination against Ontario's disabled people will continue until MPPs compel the McGuinty government to stop ODSP discrimination.

I am very concerned that if clause 40(1)(r) remains in the ODA, the McGuinty government will exempt the Ministry of Community and Social Services and the Ontario Disability Support Program Act from ODA enforcement. The ODA must be amended to remove clause 40(1)(r). Please ensure that the ODA has very strong arm's-length enforcement provisions to compel the Ontario government to end ODSP discrimination.

Ladies and gentlemen, if you can prove me wrong, I will apologize and publish a retraction. No one has proved me wrong yet. I welcome your questions.

**The Chair:** Thank you, Mr. Thomasson, for speaking to us on Bill 118, the Accessibility for Ontarians with Disabilities Act, 2004. As you know, we have already had second reading on this, and all the honourable members supported the second reading. Of course, after all the discussion, we will be going back to third reading. I thank you for your presentation.

I have about one minute for each side to ask questions. We'll start with Mr. Jackson.

**Mr. Cameron Jackson (Burlington):** Thank you, David, for your compelling presentation. I understand your single recommendation here, which is the elimination of clause 40(1)(r) in the Liberals' new bill. Do you also support the notion that the Human Rights Code should be reintroduced into this bill so that it becomes the test not only for accessibility standards but for the test that the government must—

**Mr. Thomasson:** Yes, I think that's a very good idea. One of my very great frustrations in life right now is how difficult it is to get the Ontario Human Rights Code enforced against the Ontario government. You see, Mike Harris and his Common Sense Revolution legislated quasi-judicial, unconstitutional and illegal prosecutions against disabled people that intimidated them from appealing.

While we're talking here, while the consultations are occurring, disabled people are discriminated against by Dalton McGuinty. John Fraser, his executive assistant in his constituency office, has known since August 2001. Your government screwed disabled people, then Dalton's government screwed disabled people; If you prove me wrong, I will apologize and I can get it published. But they are still wrong; they have not proved me wrong. They are still discriminating against disabled people right now.

0920

**The Chair:** Mr. Ramal?

**Mr. Khalil Ramal (London-Fanshawe):** Thank you, David, for coming this morning and telling us your story. It seems you got responses from your MPP, Jim Brownell, and from other people—Dalton McGuinty and all the ministers. It seems like you have some technical problem that's not being dealt with in Bill 118. Your technical problem may be that there are some kinds of criteria to be eligible and—

**Mr. Thomasson:** Sir, if you will permit me, my arguments have stood the test. You are offering false information. I am a debater also. I've seen your remarks in the Legislature before, so I hold you in high disrespect, with the greatest of offence.

This government is discriminating against disabled people. You are screwing people with the force of law. You are letting bureaucrats exercise the powers of Ontario Superior Court judges, and then you are punishing them for appearing and intimidating them into letting the

quasi-judicial prosecutions stand. The problem is that you are discriminating against disabled people.

If you prove me wrong, I will apologize. But if you stonewall, your government will continue to screw disabled people, and some of your constituents in every single riding will continue to be punished by illegal and unconstitutional ODSP discrimination that could have already been stopped.

**The Chair:** Thanks. We are just trying to stay within the 15 minutes. Mr. Ramal, my apologies. I know you wanted to speak on the matter. That's fine.

I think we heard your comments, and we thank you for your comments.

**Mr. Thomasson:** Thanks.

### ONTARIO COMMUNITY SUPPORT ASSOCIATION

**The Chair:** We are going to the next deputation. It's from the Ontario Community Support Association, Valerie Bishop-de Young. You can start any time you are ready.

**Ms. Valerie Bishop-de Young:** Good morning. Please call me Valerie. My presentation will be brief and fairly structural and concrete. Thank you for the opportunity to be here today. Welcome to our beautiful city of Ottawa.

**The Chair:** We are pleased to be here.

**Ms. Bishop-de Young:** I'm not a lawyer and I'm not an expert in disability issues, by any stretch of the imagination. Locally, I work with a not-for-profit organization that provides services to seniors and people with physical disabilities. Provincially, I am the president of the Ontario Community Support Association. OCSA is the acronym.

I believe you have a copy of my presentation.

**The Chair:** Yes, we do.

**Ms. Bishop-de Young:** Just briefly, let me go over who OCSA is and what we do. We represent 360, plus or minus, not-for-profit community agencies across Ontario, with 25,000 staff and over 100,000 volunteers. We serve about 750,000 people a year. Volunteers are many and donate almost seven million hours of service annually.

Our services are targeted to seniors and people with disabilities, including but not limited to attendant care services, such as the services the committee is providing here today, home maintenance, personal support, home support services, supportive housing, and assistance with activities of daily living, such as housekeeping, meal preparation and laundry. Our paid staff are community college graduates. They work alone, in isolation, in people's homes and apartments. Our member agencies are not-for-profit. They work close to the budget line.

Our message is that Ontarians want public policy that provides the right services, at the right time, in the right place to help people live independently with dignity for as long as possible. We see this as the right of every Ontarian.

We believe in measurable outcomes based on informed and effective strategic policy formulation, people-centred, community-focused priorities that respond to population needs, and shared accountability between the public and private sectors, community and citizens.

We support public policy that has transparent benchmarks and outcomes and not Utopian ideals. We need to focus on good health and safety, best practices, accessibility that goes hand in glove with affordability, and meaningful legislation and follow-up.

We applaud the spirit of Bill 118. We see it as a framework for proactive policy with respect to people with disabilities, but we would recommend some adjustments with respect to clarity, transparency and some accountability issues, particularly around the development, implementation and enforcement of standards.

One of the first questions is, what are the standards? The bill itself refers throughout to the standards, but the standards are to come after the enactment of the bill, and that presents questions. In evolving the standards, in developing them, health and safety should be a key priority for standards development, please. A barrier is in the eye of the beholder. To be meaningful, we have to address realistic goals. Let's start with health and safety issues. That means looking at things like accessible washrooms, accessible meeting space, flashing fire alarms, wheelchair ramps—the basics. Let's start there and get that sorted out.

There is a balance between accessibility and affordability, and the standards have to address that as well.

We ask you to define "dwelling." There is no definition in the act. Is the act intended to apply to personal homes, subsidized housing? We respect people's right to choice.

We would look to guidelines for standards development to ensure timeliness, transparency and accountability. We ask that the standards committees be established no later than four months after the royal assent of the bill. We feel that a third of a year is certainly long enough to get things going.

The success of the committees is dependent on identifying and removing barriers, not disabilities. We would ask that the committee composition guidelines look at including caregivers, staff and volunteers, people who have expertise by working with people with disabilities. We think there's a lot of value-added in what they have to say.

There is a maximum time frame for the implementation standards, and that is at no more than five years after the committee establishment, but there is no minimum. We would ask that that be identified.

What are the specified industries, the sectors, that are subject to this act? We think there would be an opportunity for fuller discussion if those were identified.

We would ask for clarity regarding the enforcement—the carrot and the stick, as it were. With respect to the stick, when are the penalties applicable? Are they applicable after the standards are submitted to the minister or



after year 2025? This point ties directly to transparency around which sectors are in fact identified and covered by the act.

With respect to enticements and incentives, what are the incentives? How accessible are the incentives? How will people or organizations be able to access them? What's the process?

Even better, we see an opportunity for some encouragement for inclusion and accessibility issues. We ask that the act encourage inclusion and accessibility by supporting integration between ministries, between acts and legislation, and also among identified sectors and professionals. We would ask that the act support disability sensitivity training to the sectors.

Our offer: OCSA is a provincial, non-profit organization. We work with member agencies that advocate for and work with people with disabilities, and staff and volunteers who provide care to people with disabilities. Our training program, Capacity Builders, is a recognized source of expertise and training to volunteers, staff and others throughout Ontario. Minister Bountrogianni is very familiar with OCSA. OCSA is available to both this committee and the ministry to help develop province-wide disability sensitivity training to any and all sectors covered under the proposed act or others, and we offer ourselves as leaders in standards development to help facilitate those standards within one or more sectors.

I've left you our contact information. I'm here locally. OCSA is based in Toronto. Thank you.

0930

**The Chair:** Thank you for your presentation. I will ask Mr. Marchese if he has any questions. One minute.

**Mr. Rosario Marchese (Trinity-Spadina):** Thank you, Valerie. Two quick things, one on enforcement: I have to tell you that I'm particularly worried about the fact that there is no enforcement in the bill. Inspectors do not have to be hired; the language is that they may be. With respect to compliance with standards, a director may review an accessibility report re compliance but doesn't have to, and there is no tribunal named to adjudicate on matters of lack of compliance. They might say there's enforcement here, but it's not there. Does that worry you?

**Ms. Bishop-de Young:** Yes, of course it does. It identifies that there are penalties, but there is no mediating force to implement those or to order or to monitor what's happening there. I would say there's significant concern to be had with the enforcement of the bill. The spirit of the bill is wonderful, but right now, as it's presented, it's a toothless tiger, I fear.

**The Chair:** Mr. Ramal, you have a question?

**Mr. Ramal:** Yes. Thank you for your presentation. You raised a concern about the sectors. Would you like to see categorizing the sectors; for instance, government buildings first, restaurants and hotels second? How do you see that we can implement it within the time frame?

**Ms. Bishop-de Young:** I like your recommendation that the government should be first. I think that's a great idea—role-model the act. I believe the legislation needs

to be harmonized, and yes, I'd like to see a timetable. I think it would open up an opportunity for fuller discussion from representatives of those sectors, frankly.

**The Chair:** Thanks very much for your presentation. We'll move on to the next presentation.

**Mr. Jackson:** Mr. Chairman, while we're waiting for the next deputant to come forward, in your preamble to welcoming everybody, you made a reference to the fact that we were going to begin clause-by-clause next week. Is that the decision?

**The Chair:** Possibly. That is what we are working at.

**Mr. Jackson:** But at this point, there's not a definitive decision that the committee will be called on the 15th?

**The Chair:** Mr. Jackson, hopefully before we return to our offices, we will finalize the decision among ourselves, but it's my objective that next week we will try to find the time to get together. That is my objective, but it's up to us to finalize that, as I understand. So we will discuss that—

**Mr. Jackson:** Thank you very much. I just wondered if the decision had been made.

**The Chair:** No. I have to speak to you and everybody else before we do that.

#### WATS.CA

**The Chair:** We'll move on to our third presentation, WATS.ca. We're right on time.

**Mr. Derek Featherstone:** Good morning, everybody. By way of introduction, My name is Derek Featherstone, and this is my colleague and associate, John Foliot. We're here today as accessibility advocates and concerned citizens. I just want to give you a bit of background on our role and why it is that we have a specific interest in accessibility. In particular, we want to look at Web accessibility and how that has an impact on Bill 118.

We are Web developers by vocation and consultants who spend a lot of time working with various organizations to make their Web sites accessible to deliver accessible Web content. We also provide a lot of training and work with developers in a hands-on environment. We've seen a lot of different things over the past five years in terms of how the Web has evolved and how it's very important for service delivery and information delivery. Based on those experiences, we've got quite a bit of first-hand understanding of some of the problems that face developers, as well as the people who are actually using the Web.

Just a few quick points as we work through our presentation: We'll give you a brief overview of how we see accessibility and the Web; then look at the current status of accessibility and Web accessibility with regard to legislation, some interesting cases that have been seen in the last few years on accessibility, specifically Web accessibility; and then present our recommendations for the committee in terms of moving forward.

When we view Web accessibility, we try to view it as something more than just making Web sites accessible to

people with disabilities. We focus on making things universally accessible. One of the reasons we do that is that we're not only looking at accessibility as a benefit to those who absolutely require it and need it to get the information they need; it's also important to other people who may not necessarily have disabilities but also, for some reason or another, require some of the same features that accessible Web sites provide.

For example, somebody who has an auditory impairment may require text transcripts of multimedia, such as this Web cast, for example, as this will eventually be on the Ontario Legislature's Web site. A person who has an auditory impairment may not be able to actually get the benefit of seeing that Web cast or hearing that Web cast, and we need to provide text transcripts and alternative media for those people. That's not something that is just for persons with disabilities. That's actually a very useful feature for somebody who might be in a library or in another public access centre, where it might be loud in a community centre and they can't actually hear the audio properly. So a text transcript, while useful to those with auditory impairments, is also useful to other people as well. So while we're looking at addressing Web accessibility for people with permanent disabilities, we're also looking at temporary situations as well, for other people.

The same holds true for mobility impairments. In addition to people who have varying degrees of quadriplegia or paraplegia, we're also looking at temporary conditions, like people in a cast. If you've ever tried to write with your wrong hand or your correct hand in a cast, you know you don't have the same level of fine motor control you have normally. It's the same thing with visual impairment. Cognitive impairments could also be a temporary condition, something that happens where you're not necessarily very conscious of your normal environment. It also helps to address language issues.

We look at technological restrictions as an important component to Web accessibility. With the advent of technology, we no longer see things where we're browsing Web sites on a standard desktop computer. We now have a situation where, as technology continues to evolve, we get handheld devices that are Web-capable, cell phones that are Web-capable, and yes, as you'll see on the slide, even Web-enabled fridges.

**Ms. Kathleen O. Wynne (Don Valley West):** Is that a refrigerator?

**Mr. Featherstone:** It is a refrigerator, and it does exist. The interface with the Web through that type of medium is certainly outside the realm of the norm, but at the same time, it's there. Addressing Web accessibility helps with some of these situations as well.

0940

In summary, we view universal accessibility as making your Web content available to anybody and everybody, regardless of the type of technology they're using to access.

Just a brief overview of current legislation. There are several countries that have specifically addressed Web

accessibility in their legislation: Australia, Germany, Italy, Spain, the United Kingdom and the United States. Each one of those has specifically addressed Web accessibility.

**Mr. Jackson:** And Ontario.

**Mr. Featherstone:** And Ontario. The ODA does do that.

**Mr. Jackson:** I put it in there. That's why I know.

**Mr. Featherstone:** As we progress, we'll make some recommendations as well in terms of ways to improve that. There are some things we've seen in our work with various universities and other public institutions where, while the legislation does exist, I think we would all agree that there are areas for improvement.

**Mr. John Foliot:** Yes, we are aware of the ODA, and we do say in our written presentation that within the different countries, often at state or provincial levels and even occasionally at municipal levels, you'll see policies and laws in place.

As we look at the laws and the standards and guidelines being used in the laws, we really have two major guidelines that are shared across the Internet on an international level. The forerunner, of course, is the W3C, the World Wide Web Consortium, who have released the Web content accessibility guidelines. We have provided a fair amount of information here, but in short, they've taken the guidelines and broken them down into three levels of severity or priority:

Priority 1 insists that a Web content developer must satisfy the checkpoints under that heading or the information will be significantly removed from some groups.

Priority 2 is checkpoints that should be satisfied, otherwise one or more groups will find it difficult to access information.

Finally, priority 3 is recommendations, things that may be addressed, otherwise some groups may experience difficulty accessing the information.

I guess the thing that's important to point out is that this series of guidelines is approximately five years old now. The W3C are currently in a draft position: They're rewriting their checkpoints. What's also important to understand, however, is that they are not standards; they're guidelines. While they are an official recommendation of W3C, many of the checkpoints within the Web content accessibility guidelines are subjective in nature. They are not measurable standards and do not stand up to rigorous tests. Often, they are subjective.

I'll give you a very brief example. One of the checkpoints insists that any time we present an image within the body of a Web page, we must provide alternative text that is meaningful to people who will not see the image. But what is meaningful? Who decides what is meaningful? It's a subjective test. So while it's flawed, it's the best we have right now.

The other law that we have is section 508 in the United States. We certainly would like to point it out to the committee members, specifically because they have linked some benefits to US vendors and whatnot in terms of ensuring Web accessibility as we move forward.



I've been told that we're running out of time, so we'll skip over the significant judgements. Suffice it to say that at a legal level, in terms of challenges before the courts, there is very little precedent and very little law already tested. Essentially, we have a win, we have a loss and we have a draw. The Sydney Olympic Organizing Committee was chastised and they had to pay out a payment. They were found to be guilty of providing Web content that was inaccessible. Recently, in New York state, the New York State Attorney's office reached an out-of-court settlement with Ramada.com and Priceline.com, again in the area of Web accessibility. In the case known as Southwest Airlines, the actual case was thrown out, specifically on a technicality, but it was seen as a loss.

In conclusion, we have a couple of recommendations. They're based on both our knowledge and experience, and it's information we would like to share with your committee.

The first recommendation is that we need to lead by example. We recommend that all provincial Web sites or Web sites that operate under the public purse in any way, shape or form be mandated to meet, at an absolute minimum, the W3C priority 1 and priority 2 guidelines. We further recommend that the criteria be met within no more than 24 months of the enactment of the legislation. We assure the committee that with the way things move on the Web, that's lots of time.

Second, we recommend that incentives be put in place. The legislation should be constructed in such a way as to offer incentives for businesses and privately held Web sites to, again, meet priority 1 and priority 2 guidelines. Regulations and incentives patterned after US section 508 should be considered. We would even go so far as advocating specific tax benefits or incentives to businesses that meet or exceed the guidelines.

We would like to see more education. We recommend that any public learning institution that provides curriculum for Web designers or Web developers and is receiving full or partial funding from the provincial government be mandated, as part of the overall curriculum for Web developers, that at least one course that teaches the principles and techniques of accessible Web design be provided. As advocates and as people who work in the field, we find that the lack of experience and the lack of knowledge of the people who are actually making the Web sites is probably the single, largest barrier.

Finally, enforcement: This is probably the hardest thing, because we do not have rigorous measurements. However, we would recommend that all sites covered by the legislation provide a written accessibility statement and policy directly attached to the Web sites. We further recommend that these accessibility statements be reviewed annually to ensure ongoing compliance, and that a level of accountability be attached to a specifically named accessibility commissioner—or pick your term.

**The Chair:** Thank you very much for your presentation. We have the material in writing, and we will certainly include it.

**Mr. Foliot:** May I just say in closing that we've also provided the presentation as an accessible presentation on-line, and the address is there.

**The Chair:** Thank you.

#### ACCESSIBILITY ADVISORY COMMITTEE TO THE CITY OF OTTAWA

**The Chair:** The next presentation is from the accessibility advisory committee to the city of Ottawa, Alf Günter. Good morning, Mr. Günter.

**Mr. Alf Günter:** Good morning.

**The Chair:** You can start any time you are ready.

**Mr. Günter:** Thank you, ladies and gentlemen. You have my text, but I will be deviating from it somewhat in my oral presentation, so I ask you to listen.

The accessibility advisory committee commends Minister Bountrogianni for developing this piece of legislation. We think it lays a foundation for a truly accessible Ontario, and we are pleased to see that it has enjoyed the support of all parties in the Legislature.

I regard the implementation of this act as similar to building a house. When this bill has been promulgated, we will have the foundation and the basic structure in place. However, we will not have detailed specifications for everything we want to do, we will not have a plan in detail of how we're going to do it, nor will we have our inspection procedure in place. So there is still a great deal of work to be done. Indeed, how successful we are depends upon where we go after this bill is approved. In truth, the amount of work involved is closer to building the venue for an Olympic village than it is for building a house. Fortunately we have up to 20 years, and fortunately we have the resources of Ontario.

There is much that is good about the current act, Bill 125, and I commend Mr. Jackson for the work he did in bringing it forward. He did the best that could be done under the conditions that he was working. We must move forward to not lose the good things in Bill 125. We have to retain the planning and reporting requirements, and we have to strengthen the monitoring and enforcement. The present bill should be given third reading as quickly as possible, royal assent, and proclaimed in its entirety. This is important.

0950

As we move forward, the government needs to set priorities for which sectors it's going to tackle first. I don't think we should try to do everything at once. We have Bill 125 to guide us in the public sector. That's the place we should be starting: the ministries themselves and the municipal governments, hospitals, universities, schools and transport systems. Then we can move on to big business, which I think will be quite happy to do this, and such areas as medical health units, doctors' offices, dentists' offices, whatever, because these are really important for disabled people and there's a lot of work to be done in that area. Finally, we'll probably end up with the mom-and-pop shops; they're the last ones that you'll tackle.

We need standards committees. On those standards committees, we really need to have three groups involved: first, representatives of the government, including somebody from the disability directorate.

It's also very important to have representatives of the group that is being impacted, because the more we can get them to buy in to this in every stage of the development of a barrier-free Ontario, the easier it is going to go for everybody, the more they realize that accessibility is for everybody and that it's going to be a profit to the province in the long run, and to their own business, if they have better accessibility.

And then we do need a third group of experts—that is, people who have worked with the disability community or who have disabilities themselves—to bring their insight into the regulations, into these standards. Having used the word “regulations,” I will go on to say that as soon as a standard has been approved, we should not delay in turning it into a regulation. I believe that's the proper procedure.

There are going to be literally tens of thousands of organizations impacted by this legislation. It is important that each one of these groups develop a plan. First of all, they need to look at their facilities compared with what the standard says they should be; in other words, develop a shopping list.

We need to prioritize them. In terms of prioritizing them, we need to look at what has the greatest impact on the person with a disability. For example, if you have a shop of some sort and there are certain problems inside, if there are no means for the person to get into the building, you'd better start tackling that as your number one priority. If you have such means, then perhaps you should look to see if your ramps, if you have any, are safe for people who have vision problems, and so on.

I think the plan should be prioritized and then people should be encouraged to develop their plans such that they do the work in a staged manner over a certain period of time, which of course has got to be not more than 20 years, but hopefully in many cases it will be less. If you allow people to do what's easiest, they will do the things that don't cost much money, and you'll find that after 80% of the time has gone, they've done 80% of the items but only 20% of the work. They'll have left all the big items. So it's really important to try to set priorities.

Every organization must be required to file their plan with the directorate, if only to be catalogued. If it's in electronic form—I expect most will be—so much the better. It can be easily accessed. These plans must be available for anybody to look at, for members of the public.

I would encourage, since the government is not going to have enough inspectors to inspect everybody's work to see if the work is being done, that they simply do spot checks. You will need a few inspectors in the directorate for spot checks. But also, try to make use of inspectors who are already in place. You have health and safety inspectors and fire inspectors going into the buildings. Try to train them to be on the lookout for things. But

you're going to have to depend, to a very large degree, on the general public, so the public must also be able to access these plans, and if they find something that doesn't look right, indicate to the directorate who will then look into it in more detail.

I said earlier that you have to have various organizations onside, the various parts of the business community and whatever. In terms of dealing with the plans, you have to realize that they will change with time. Things change over a 15-year period. So they may not do things exactly in the order the original plan said, but as long as they're making an honest effort, nobody should be clamping down on them. However, there will be people, there always are people, who test the bounds of what's acceptable. There are people who drive 30 kilometres over the speed limit and who have to be brought back, and you're going to have the same thing here. There are going to be people who don't buy in to the process. Again, I say use the carrot as long as it will work, but at some stage, in a few cases, you'll have to bring out the stick.

I'm not sure what a tribunal should be. I think anybody who is going to assess a fine has to have a means of appeal. I'm just saying that the tribunal has to be something that's going to meet often enough that people will get justice served in a short period of time, say, three months or so, and also it must be seen as being impartial.

Thank you for letting me appear before you today. We're about to embark on an exciting journey that will make Ontario the envy of many other jurisdictions, a place where the disabled are truly integrated and where they are able to make a considerable contribution to the well-being of our province.

Do I have any time left?

**The Chair:** You have less than a minute each to ask questions.

**Mr. Jeff Leal (Peterborough):** Thank you very much, Mr. Günter. I'm a former municipal politician from Peterborough. One of the things that I've been thinking about as I've been working through this is that most municipalities in Ontario have a property standards division, which is a number of inspectors who look after inspecting buildings and the building code within a municipality. Would it be your feeling that we might be able to use that group of individuals, who are out there anyway doing inspections, to actually look at how we could enforce this legislation to make sure that all new buildings and retrofits are in compliance with this act?

**Mr. Günter:** Yes. That is exactly the way I see it. I don't think these people would actually go face to face with the people who have the facility. They might bring it to their attention, but if they feel quite strongly, then they should bring it to the attention of the directorate, which actually makes the decision about what should be done. That's the way I see it.

**The Chair:** Mr. Jackson?

**Mr. Jackson:** Thank you, Alf, for your comments. I'm very pleased to hear you talk about proclaiming in its entirety. You're the first person to state that for the



record. I appreciate it because, as you know, when the ODA, Bill 125, was proclaimed, there were sections that had to be proclaimed once the council was put in place, once the access committees, like the Ottawa one, were put in place. There are about 25 sections of this bill which the current government has failed to proclaim, such as the penalty clause which governs your access committee—if you didn't file, there would be a \$50,000 fine to your municipality—and so on.

My concern and my question to you is: The government has said that it will, at some point in the future, delete sections of the bill that are not included in their new Bill 118. Would you recommend, for the purposes of safety and protection and to have a complete bill—should we not include the duties of the government of Ontario, the Web site, which we just heard from, a whole series of sections that are in the ODA 125, and transfer them over into the new Bill 118, so we have a complete bill?

**Mr. Günter:** I'm not really an expert on the legislative process. I know I believe what David Lepofsky has to say. I'm listening to you and it sounds sensible, but I really don't have an opinion on that subject. I'm sorry.

**The Chair:** Mr. Marchese?

**Mr. Marchese:** Three quick things, Alf. First, on the notion of what should be proclaimed: Most governments have a problem with that when they pass bills. Some things get proclaimed and others are expected to be proclaimed and never are. That was a weakness of the previous bill, and so it's a worry about what things are left to be proclaimed.

1000

Second, on the issue of inspectors: Municipal inspectors are overworked, and other provincial inspectors are overworked as well. They need training. So it's hard to rely on those folks, in my view. That's why the government "should" hire inspectors, rather than "may."

My question to you is about exemptions. In opposition, the Liberals opposed a government permitting exemptions from the act. Do you think the minister in this case should permit exemptions from the act?

**Mr. Günter:** I don't think they should permit exemptions per se, but I do think that there needs to be sort of a grandfather clause. If people have—

**The Chair:** Thank you.

**Mr. Günter:** Am I finished?

**The Chair:** Another 30 seconds.

**Mr. Günter:** OK. If you have a structure—I tend to think in terms of structures, which isn't fair—that has been built to, say, 1995 standards, you may have a ramp that isn't of the proper slope to 2005 standards. I think, if it's functional, if it doesn't put the person with a disability in an inferior position, that should be acceptable as built facilities.

**The Chair:** Thank you very much for your presentation.

#### CANADIAN DIABETES ASSOCIATION

**The Chair:** We will move on to the next presentation, from the Canadian Diabetes Association, Karen Philp.

Good morning. Again, there are 15 minutes in total, and I will be watching the time, just because there are many people waiting. I would ask anyone who has questions to keep in mind that the minute includes your comments, your question and the reply to your question. Thank you.

**Dr. Karen Philp:** Thank you, members of the committee, for inviting Christine Flammer, associate director for the Canadian Diabetes Association, and myself, Karen Philp, to speak with you today.

We want to start by commending you, the minister, and the government of Ontario for inviting Ontarians to review and recommend amendments to Bill 118, the Accessibility for Ontarians with Disabilities Act, at these public hearings. Second, we thought it was important to give a little bit of background about the Canadian Diabetes Association, if you're not already familiar with us.

We represent two million Canadians who live with diabetes. That includes people who are affected by diabetes or work with diabetes. So we work with professional people like doctors, endocrinologists, nurses, diabetes educators, as well as the people with diabetes themselves in 150 communities across Canada, including nine regional leadership offices in Ontario, at Thunder Bay, Sudbury, Barrie, Ottawa, Kingston, Hamilton, London, Kitchener and, of course, Toronto.

We also serve and support people with diabetes through research—almost \$6 million this year—education; individual camps like Camp Huronda here in Ontario; our professional conference, which brings approximately 3,000 professionals from across Canada together annually to discuss new clinical practice guidelines for the care and management of diabetes; and, of course, advocacy.

Our advocacy priority is that Canadians living with diabetes deserve the drugs, supplies, education, care and financial support needed to manage their disease, no matter where they live in Canada. However, we also receive a significant number of calls each day from individuals living with diabetes in Ontario and the rest of Canada, and we need to try to help them address the challenges they are facing in managing their diabetes daily. We receive many calls from Ontarians who think they may be facing discrimination in public places, particularly their workplace, as they try to manage their diabetes. That's why we're here today.

Generally speaking, the Canadian Diabetes Association supports Bill 118 as good legislation that may help achieve the objective of removing barriers for Ontarians living with disabilities, allowing them to participate fully and productively in society. However, we would like to clarify with members of the standing committee the position of the Canadian Diabetes Association on diabetes as a disability. In the proposed legislation, under the definition of "disability," the legislation includes diabetes mellitus as an example of a disability under this legislation.

Our association's position, developed by our many members and adopted by our elected board of directors, is that: "People with diabetes have the right to be

assessed on an individual basis to determine if their diabetes constitutes a disability as defined within the specific context.” We believe that with proper care and treatment, most people with diabetes can achieve an optimum quality of life. Although diabetes can be a potentially disabling disease, particularly if complications ensue, it does not, in and of itself, constitute a disability.

With this in mind, however, according to the Institute for Clinical Evaluative Sciences in 2003, people with diabetes comprise only 6% of Ontario’s population, and yet they accounted for 32% of heart attacks, 30% of strokes, 51% of new kidney dialysis patients, 70% of amputations and 28% of cataract surgeries. It is the disabilities arising from the serious complications of diabetes—blindness, amputations, kidney dialysis, for example—that pose the greatest barriers for Ontarians living with diabetes.

We believe this legislation can help them, but it could also, if minor amendments were made, help Ontarians living with diabetes today and in the future. For the majority of the more than 708,000 Ontarians living with diabetes, it is discrimination in managing their diabetes, whether in restaurants, schools, universities or the workplace, that impacts the majority of them in public places. It’s accommodation and respect for the need to test blood glucose regularly, to eat a snack, to inject insulin or take oral medications that should, in our view, be considered a requirement under this bill.

You will see from the two case studies outlined in the submission we handed out today that people living with diabetes face most incidents of discrimination in the workplace because others often do not understand diabetes and its management. Often, employers are concerned about the potential loss of work time and productivity, which may influence their willingness to hire, continue to employ or promote a person living with diabetes.

For those in our case studies, the issue is lack of understanding of diabetes management and outdated medical guidelines that do not recognize the best available scientific evidence on how to manage diabetes optimally that leads to the discrimination. Lack of awareness of what the benefits are to the employee, the employer and the rest of society resulting from ensuring that individuals with diabetes have the opportunity to achieve optimal management of their disease is also an issue.

In our view, it’s a lack of awareness of how diabetes can be effectively managed that leads to a response from the employer that encourages people with diabetes to conceal their disease from their employers and colleagues simply to avoid negative reactions, rejection or outright discrimination. As a result, insulin injections may be missed or blood glucose testing or a meal skipped, and the result may jeopardize the individual’s own health and perhaps her or his safety on the job. This is the worst of all worlds.

However, there is good news. In our experience, bringing together medical experts, diabetes educators and

employers to understand and be aware of the best practices can result in positive benefits for all. Education, in our view, is key to ensuring that employers and work colleagues understand that Ontarians who effectively manage their diabetes do not pose a threat to colleagues or to the efficient operation of their business. In fact, it has been proven that people with well-managed diabetes often miss fewer days of work due to illness because managing their blood glucose effectively requires that they live generally healthier lifestyles.

To date, in our efforts, we have relied heavily on the Ontario Human Rights Code, which requires an employer to accommodate a person with diabetes up to the point of undue hardship. Reasonable accommodation of a person with diabetes may include altering an employee’s work schedule to include regular breaks to eat a snack, monitor blood glucose levels or administer insulin in a private location. While the association generally endorses the improvements to the Ontarians with Disabilities Act contained within Bill 118, we would like to see a clear and greater statement in support of, or some consistency with, the Ontario Human Rights Code on accommodating Ontarians living with diabetes in this proposed legislation.

Second, the Canadian Diabetes Association supports and applauds the expansion of the application of mandatory standards to the private sector. We work with the private sector all the time. We understand that the intention of this bill is that the accessibility standards should apply to all public and private institutions, including private business and, we also assume, non-government organizations like ourselves.

Third, in reference to the 20-year timeline to achieve the goals of this proposed legislation, the Canadian Diabetes Association would like to acknowledge that it takes time and resources for society to make Ontario truly accessible to all persons with disabilities. We have advocated for over 50 years on behalf of Canadians living with diabetes, so, needless to say, we understand that some things just take time. However, we also believe it is important that you consider ensuring that short-, medium- and long-term indicators of progress are in place under this legislation to help Ontarians measure their real progress toward achieving a truly accessible Ontario as laid out in Bill 118. We believe that members of this committee should seriously consider legislating some form of mandatory annual review of progress under this bill.

Finally, the Canadian Diabetes Association supports the principle of appointing a standards committee to develop accessibility standards by sector. Building on the expertise of those already working toward increasing accessibility for Ontarians living with disabilities will help achieve the legislation’s objectives not only more quickly but without duplication of effort. This will also ensure the greatest transparency and broadest awareness across government, business and industry, as well as the general public.

We are extremely pleased by the intent of this legislation, particularly if it includes non-government organ-



izations and other experts on the standards committee. We are pleased to offer today our expertise and knowledge in the development of these accessibility standards, particularly as they relate to diabetes and to people living with any of its serious complications.

In conclusion, on behalf of the Canadian Diabetes Association, we would like to thank you for inviting us to speak today on Bill 118.

**1010**

**The Chair:** Thank you very much. We have just over a minute each. We'll start with Mr. Jackson.

**Mr. Jackson:** Thank you very much, Karen. I appreciate your brief very much and support increased access to supports, especially government-based supports in the health field, especially for juvenile diabetes. Although this bill doesn't address that, there are sections of the bill that I'd like you to comment about; for example, your reference to the Human Rights Code.

The current ODA was designed to cause the government of Ontario to reach the highest standard first. It ties employment opportunities for all employees in the government to the human rights standard. Do you support the retaining of that section in the new legislation, and by extension, do you wish the standard of accommodation under the Human Rights Code extended to government services that are accessed by the public?

**Dr. Philp:** Yes.

**Mr. Jackson:** Thank you.

**The Chair:** Mr. Marchese.

**Mr. Marchese:** A few quick things, and thank you for your comments. You talked about an annual review of progress. This is something that many people have spoken to, and that has to do with monitoring progress. There's no mechanism here to deal with that. It should either be an individual or a public body doing it, but unless we do it, we have no way of knowing what is going on. So we agree with you.

The other part has to do with discrimination as it happens in managing diabetes. One of the things that many people have spoken to is education, and you spoke to that as well. Do you think education or an education component should be built into the legislation, or do you think we should just leave it to chance, that it may happen and the government may do something, or not, in that regard?

**Dr. Philp:** There are benefits you should seriously consider by incorporating it into the legislation. I think it should be the mandate of the committees, as well as the secretariat or agency, to actually ensure that public education is provided. Without public education, the word doesn't get out; so yes, obviously.

**The Chair:** Mr. Fonseca.

**Mr. Peter Fonseca (Mississauga East):** Thank you for your presentation. Diabetes is something that, as one of Minister Smitherman's parliamentary assistants, falls on my table every day. It's a health tragedy for many Ontarians who are afflicted with diabetes. We brought up many examples in the workplace and how at times others may not understand the disease. Within the workplace,

many workplaces have health and safety committees. Are they implementing certain standards within the workplace, and would you see somebody from those health and safety committees being part of the standards committee that will be set up under this legislation?

**Dr. Philp:** It's a patchwork across Ontario, as you may be aware. Some of them are and some of them aren't. We get a lot of calls from people who work in, it tends to be, smaller industrial sectors where they're not perhaps as able to put forward their need. They're scared, and there are all those sorts of issues out in the workplace. So having them on the standards committee would be really beneficial in ensuring that their perspective is brought forward, and maybe some sort of standardization across the province would—

**Mr. Fonseca:** Can you give me an example of a best practice?

**Dr. Philp:** In health and safety? Not off the top of my head.

**Mr. Fonseca:** In relation to diabetes.

**Dr. Philp:** In diabetes, the Railway Association of Canada—we used a case study in this submission we've provided. Basically, they were using really outdated medical records or medical guidelines prior to 2001. The union and the local individual, who had been managing his diabetes very poorly in Thunder Bay and it resulted in his becoming sick, tried to approach the industry, and they said, "No, no, no." So through advocating with us, we were able to get them to actually sit down with medical doctors. They sat down—it was the education component again—and got to learn what diabetes was all about. Now, I would say they have the best medical practice guidelines for employing people with diabetes in safety-sensitive positions in Canada. They are very good.

**The Chair:** Thank you very much for your presentation.

#### PEOPLE WITH DISABILITIES: A COMMUNITY COALITION

**The Chair:** We will move on to our next presentation, and that is from Jeff Willbond. Good morning, sir. We are doing very well with the timing.

Let me remind everybody that we are discussing Bill 118, the Accessibility for Ontarians with Disabilities Act, 2005. Today's proceedings will be shown on TV on Thursday, February 10.

We thank you, sir, for being here this morning. Please start any time you are ready.

**Mr. Jeff Willbond:** Thank you, Mr. Chair. Just for some clarification, I'm actually representing People with Disabilities: A Community Coalition. There has been a change in the scheduled agenda for today. This afternoon someone was going to be representing the coalition, and that would be me this morning.

**The Chair:** But you are Mr. Willbond—

**Mr. Willbond:** Yes, I am Jeff Willbond.

**The Chair:** —representing a group.

**Mr. Willbond:** Yes.

Good morning, members of the standing committee. As stated, I am Jeff Willbond, and I'm here this morning representing People with disAbilities: A Community Coalition. Thank you for the opportunity to share our support and thoughts on the proposed Bill 118. I would like to commend Minister Bountrogianni and the province for holding public hearings on the bill prior to its receiving third reading.

Who are we? The People with disAbilities community coalition is made up of organizations, groups of persons with disabilities and groups for persons with disabilities that have an interest in improving the quality of life for persons with disabilities in Ottawa. Coalition members share a common goal, which is to build a community in which persons with disabilities have equal access to the same opportunities as every other citizen within our community. In collaboration with the city of Ottawa and other organizations like the Ottawa Hospital, we have discussed and agreed on several key changes in Bill 118 that will enhance the lives of persons with disabilities.

I just want to give you a flavour of what the disability community looks like here in Ottawa, so I'm going to touch on some local demographics. We know that after the amalgamation, with the new city of Ottawa, it's estimated that our population is about 845,000 people. Of that, 15% are people with disabilities. As we know nationally, persons with disabilities are no longer considered a minority concern or issue. They're now a major part of our population, especially because of the maturing population and advancements in medicine.

In a local consumer survey report titled *Maximizing our Assets: Partnering for Participation and Inclusion*, we came across some very interesting key findings here in Ottawa. This was a survey that was done a couple of years ago, so it is a little out of date, and I apologize. However, I'm going to give you some of our findings:

—Sixty per cent of people responding to the question, "Are you prevented from doing things that interest you or participating in activities happening in our community?" answered yes.

—Fifty-two per cent of the people responding to the question, "How much money do you have to live on?" said that they have less than \$15,000, and 21% said they have less than \$10,000 a year to live on.

—Thirty-two per cent of those individuals who said they were prevented from participating said that one of the reasons was the cost of participation in our community, the cost of services and programs.

—Forty-eight per cent of survey respondents said they do need help with things like washing, bathing, transferring, dressing and toileting, so we know that there is a strong emphasis on home care and health care, or a need.

—Twenty per cent of respondents who have a permanent place to live indicated that they weren't living where they wanted to, and 42% indicated that a house or apartment that they could afford but was not necessarily accessible.

—Seventy-seven per cent of respondents indicated that they are not working or volunteering, citing lack of

access, training opportunities and employer sensitivity as major reasons.

In fact, what we're looking at here are some real, true systemic barriers.

The purpose of my presentation today is not to identify or dwell on accessibility barriers for Ontarians. You know that all too well. We have a very good idea of what the barriers are. What we're discussing during these public hearings is the process and Bill 118 itself. Also, my focus is to embrace the vision of not creating new barriers for tomorrow.

**1020**

My experience personally, besides representing the coalition today, is that I drafted two accessibility plans for the city of Ottawa. I was the special-needs consultant to the city of Ottawa, and therefore I have a really good flavour of the ODA and the work that was required within the public sector.

The momentum of accessibility planning has been incredibly successful in the sense that it has sensitized the public sector, it has identified and removed barriers and it has developed a plan that has been successfully implemented, largely across Ontario, within different cities. I want to see that momentum of accessibility planning continue, especially followed by the repeal of the ODA. I think accessibility planning is going to be that much more critical.

The coalition recognizes and supports ongoing accessibility planning. This process has proven to be successful. The process has engaged municipalities, schools and hospitals in becoming sensitized through assessing, auditing and developing best practices.

Although standards will be developed, we recommend that the process of accessibility planning continue with a stronger emphasis on a report card back to the province and public.

Accessibility planning needs to be part of an organization's budgetary plan. The date on which the accessibility plans were required was not coinciding, for instance, with the city of Ottawa's budget planning cycle, which created some new barriers.

Accessibility planning can incorporate new standards as developed. Indicators have been developed and should be applied for monitoring outcomes. It has been my experience that we've had an accessibility plan, we've implemented it, but we've had some difficulty in terms of monitoring. So within Bill 118, not only should we carry on with the momentum of accessibility planning, but we should also look at indicators of measuring and monitoring the plan.

For the development of standards committees, we suggest the establishment of standards development committees for various industries, sectors of the economy or cases of persons or organizations to develop proposed accessibility standards. Standards development committees should be established within six months of the passage of Bill 118.

Create a disability accessibility adviser to oversee and support the work of the committees to function at arm's



length from the government. This adviser would recommend priorities for action, reporting to the Legislature, and serve as a public advocate for progress.

Standards committees should hold public consultations on accessibility, as we are today. Further consultation with appropriate private sector associations—for example, with the Ontario Chamber of Commerce—will determine realistic action and time frames for the private sector.

For the development of proposed standards, we are suggesting and recommending harmonizing of all legislation that deals with accessibility of the built environment, such as the Ontario building code, the Planning Act, condominium legislation and the Ontario Human Rights Code. Each standards committee should set a series of target dates for different barrier removal activities. Education and training for municipal building inspectors, and professionals such as architects and developers, are critical.

Technical standards need to be harmonized provincially. When I'm speaking with regard to technical standards—the Ontario building code, CSA, best practices—it has been my experience, working with municipalities, for example, that the city of Toronto and the city of Ottawa have both developed technical standards that have been very costly and resourceful, and this could be something that the province could simply harmonize, rather than recreate the work that has already been done.

A high priority should be to develop accessibility standards for the Legislature and ministries. I have a question: How will public policy silos be broken down with issues of income—ODSP—health care and home care within the Ministry of Health? We have three ministries in Ontario that each have a definition of “disability.” The Ministry of Community and Social Services, the Ministry of Citizenship and the Ministry of Health all deliver services and programs for persons with disabilities, and all have a very distinct definition.

To give you an example of a conflict in policy when I'm speaking about some of these policy silos, within the Ministry of Health, OHIP will remove and replace your hip, especially if you're a maturing person and you've had some deterioration of your hip. If you are in an accident and you lose a limb or you lose a limb to cancer, OHIP will not replace your limb with a prosthetic. It then falls under the responsibility of the assistive devices program. So that's an interesting conflict right there within policy.

We believe in a prioritized approach with a series of target dates, starting with health and safety standards and determinants of health. As said in some of the previous presentations, we think the prioritizing of standards should really emphasize health and safety first, and, in terms of quality of life, look at the determinants of health, which are income, housing, employment and transportation.

In conclusion, as a dear friend once said to me, “The benefits of accessibility equal inclusion.” The moral argument is that it's the right thing to do. The legal case

is, not only is it not nice, it's not legal. We need to manage it before the courts manage us.

The area I like to focus on is the business case for persons with disabilities and for our society in general, and that's the economics, the baby boomers, cash, demands for service, customer service and consumer focus.

One challenge that I want to quickly identify before I wrap up is that here in Ottawa we have all three levels of government, which is unique in comparison to the rest of Ontario. We have quite a bit of a federal government presence here in Ottawa, and I'm just wondering how Bill 118 is going to partner or what relationship the province will have, considering that we have a lot of facilities here in Ottawa that fall under public works with the federal government. I thank you.

**The Chair:** You only have one minute left. Mr. Marchese, it's your floor.

**Mr. Marchese:** Thank you, Jeff, for all the suggestions you've made. It has been my view since we debated this bill in the Legislature that the bill is a good bill but is hardly extraordinary in terms of potential and what it could do. I think much of it has to do with the recommendations you make, which are very much in line with the ODA's recommendations and those of so many other individuals. My sense is that these changes and recommendations need to be made in order to make it a very good bill or a strong bill. Do you agree with that, or do you think we could just live with this bill as it is?

**Mr. Willbond:** Live with the ODA as it is?

**Mr. Marchese:** As it is, or do you believe we need to make some of the amendments that you suggest in order to make it effective and strong?

**Mr. Willbond:** Absolutely, yes.

**The Chair:** Thank you very much for your presentation.

1030

GREG BONNAH

**The Chair:** We'll move on to the next presenter, just to keep on time. The next presenter is Greg Bonnah. Good morning, sir. You were the first one here this morning, I believe.

**Mr. Greg Bonnah:** Thank you for granting me the time to speak to you. For your information, I am the parent of a disabled child. I write the education column for Access Now. I am an education advocate for Disabled and Proud and sit for Integration Action on the special education advisory committee of the Ottawa-Carleton District School Board. Today I am here to present my point of view on how I, as a parent of a disabled child, envisage a better Ontarians with Disabilities Act. My vision of the future is a government that thinks of the child as a whole. Let me explain.

My child was adversely affected by what the government of Ontario, through the Ministry of Health, calls an adverse event to a vaccination. A simple scratch test has been available since before my child was born. Had he

been given this test, we would have known he was allergic to the vaccine and not given it to him, and we would have a normal child today. But some bureaucrat decided not to make this test mandatory in order to save the Ministry of Health a few dollars. What about the additional costs to my child, my family and the Ministries of Education and Community and Social Services, not to mention the lowly taxpayer? Let's see how these entities have fared by the Ministry of Health's decision to save a few bucks.

My child's life has been devastated. His adverse event was Lennox-Gastaut syndrome. His brain was seizing every four seconds, and we were seeing between 60 and 100 seizures per day. The neurology department at CHEO, the Children's Hospital of Eastern Ontario, told us that Zachary would never walk, talk and/or play, and that 70% of the children with his syndrome died within the first year; otherwise, they lived out their lives in a vegetative state. We were advised that brain surgery was necessary and that it would be best if we put him away and continued on with our lives. So today, instead of having a typical 14-year-old teenager at home driving me crazy and worrying about his pimples or girls, he is struggling to put together six-word sentences and is working at a grade 2 to 3 level, which is miraculous for a child with his disability.

My spouse has become the sole financial support for our family, as I was forced to give up my career as a contract computer systems designer to stay at home with our child. The stress of the additional financial costs while family income was cut in half, along with our child's disability, has caused her health to deteriorate.

Yes, we could have given up our child, but a child is not someone you discard just because they are disabled. Had we abandoned our responsibility as parents, then the Ministry of Community and Social Services, because of the level of service he required at the time, would have been required to pay approximately \$250,000 per year, in 1992 dollars, to warehouse him. Odds are that they would never have insisted that the doctors place him on the ketogenic diet, now a standard therapy but frowned on in 1992. Due to this diet, my child has been seizure-free since November 1992 and drug-free since 1993. I am sure that my child would have lived down to the expectations of never walking, talking or playing, and I am fairly sure that the Ministry of Community and Social Services would have consented to having his hemispheres split and the temporal lobe removed.

But while the Ministry of Community and Social Services would have been content to pay a fortune to warehouse my child, just try getting a few dollars out of them to bring him along to his full potential. Here in Ottawa, organizations like Service Co-ordination receive money from the government and set their own priorities for dispensing it. It appears from my perspective that their main priority is in dealing with children in segregated environments. I have to do tons of useless paperwork every year, and then they have the audacity to tell me how fortunate I am to receive 10% of what I

requested. Their suggestion for me to obtain more funding is to exaggerate my child's needs. Personally, I do not like to lie, because I find it easier to keep track of the truth. But it makes me wonder if the system is designed for the clients or to keep these people employed.

On to the Ministry of Education, the architects of the Education Act and its rules and regulations: In the real world, he who pays the piper calls the tune, but school boards in this province are allowed to march to their own tune. The Ministry of Education gives the Ottawa-Carleton District School Board \$500 million per year, yet the only accountability the ministry demands of the school board is that they not spend one more penny than they receive. When a parent knows that the school board is contravening the act and asks the ministry for help, they abdicate their responsibility and advise the parents to go to court.

The Ottawa-Carleton District School Board has a policy of segregation. This means that they choose to place the resources necessary for special-needs children in what they like to call system classes or schools. If parents want their child in a regular environment, then this school board will use any measure necessary to persuade the parents to do otherwise. In my child's case, this meant involving the police, the children's aid society and wasting one million taxpayer dollars.

I have been told that the ODA, 2001, was first successfully applied in my child's special education tribunal, so thank you for assisting my child in his time of need. For the record, since the school board was ordered to put the necessary accommodations in place for him, all behaviours have ceased. Last year, in his first full year in regular school ever, Zachary went from pre-reading and pre-math to the grade 2 level. School officials have reported to us that Zachary has beaten his rap and the children at the school are accepting Zachary for himself.

To conclude, despite what the Attorney General's office said in the Anton case, the government of Ontario does not take care of all the children they harm. From my perspective, the system is more important than any individual, and each government department only worries about itself. I would like to see the new ODA contain rules where the government of Ontario and its agencies are mandated to think of the child as a whole.

I would again like to thank the committee for coming to Ottawa and listening to ordinary people.

**The Acting Chair (Mr. Jeff Leal):** Thank you very much, Greg, for sharing such a personal story with us. We have about six minutes. I'll start with the government side. Mr. Parsons, please.

**Mr. Ernie Parsons (Prince Edward-Hastings):** Thank you for this presentation. I'm the parliamentary assistant in community and social services responsible for disabilities. I understand what you're saying; I've heard it before. We are trying to revise the services. We acknowledge there is not equity across the province.

I'm wondering if I could ask you separately to share with me more details of the funding and some history



with it. It would be very helpful in the report I'm preparing.

**Mr. Bonnah:** I've got no problems with that.

**Mr. Parsons:** Thank you.

**Ms. Wynne:** Thank you very much also for your story. You serve on the SEAC of the OCDSB.

**Mr. Bonnah:** Yes, I do.

**Ms. Wynne:** I have a question about the special-ed plan—you said there was a focus on segregation. I'm in the Ministry of Education, with Minister Kennedy. I understand there is still a debate about integration and segregation, and that's one of the things that's going to be part of the standards development discussion, I imagine. Can you just talk a little bit about your concerns about that direction or your experience of that.

**Mr. Bonnah:** OK. It appears to me that the rest of the province is going toward a more inclusionary model. This past September, the Ottawa board put together another six segregated environments, so they're going totally in the opposite direction, and are now talking about creating another two segregated environments. My main concern is, what happens to these children when they come out of the school system after being in a segregated environment all their lives and are thrown into a regular environment?

**Ms. Wynne:** Maybe we could talk about that afterwards, because it's a bit of an anomalous situation.

**Mr. Bonnah:** Yes.

**The Acting Chair:** Mr. Jackson.

**Mr. Jackson:** Greg, thank you for coming here today. I just want to say that you're probably familiar with the Rothwell family of Burlington, Ontario, who took the government to court on the DPT—pertussis—vaccine.

**Mr. Bonnah:** I've heard of it, yes.

**Mr. Jackson:** Do you mind if I ask: Was it his your son's first injection of the three?

**Mr. Bonnah:** It was the second one.

**Mr. Jackson:** It was the second injection. Did he have an adverse reaction to his first one?

**Mr. Bonnah:** No. He was slightly sick, but he recovered from it.

1040

**Mr. Jackson:** For those of us in public life, the most difficult time we have is when we fail. I took forward the legislation in 1986 on behalf of vaccine-damaged children and their families in Ontario and I was unsuccessful. The legislation was very specific. Then I proposed that if there was an adverse reaction, the second injection was to be stopped immediately, that the tests were to be allowed. Having read *A Shot in the Dark* and being quite familiar with this issue, I think it's criminal that we're still doing this to children. If you take the Connaught Laboratories' packaging, it tells you right on it that this will cause severe brain hemorrhaging and reactions that will cause death. It's beyond me why we still allow this to occur. Having said that, I am familiar with quite a few families in the province with whom I've maintained contact over the years, so I commend you for your commitment to your child.

You mentioned that the ODA, Bill 125, the one that I drafted for the previous government, enabled you or empowered you to proceed through the IPRC process and your needs were met. That was the original intent, if it was proclaimed. First of all, I want to commend your school board for acting on it when the new government hasn't proclaimed it. You may wish to comment about wanting that section strengthened so that it will apply, because it's not going to apply in Bill 118. It is being removed from the new bill. Could you indicate your willingness to have that retained and enforced for the responsibilities of school boards to be compliant?

**Mr. Bonnah:** Yes. I was not aware that they were removing that portion. I would hope that it would be put back in so that no other family or child would have to go through the difficulties that we did to get a child educated. That to me is part of the blinders that I see, that right now ministries only look for what they have to do and don't care about the big picture. I would like to see the rules changed so that everything is done to ensure that. I would love to see the Ministry of Health test children to make sure no other child ends up like Zachary. As I say, the Ministry of Education is only doing the minimum for children until they're 16, and then another ministry is responsible. I want to see that sort of stuff stopped.

**Mr. Jackson:** Thank you very much, Greg.

**The Acting Chair:** Mr. Marchese, you have about two minutes.

**Mr. Marchese:** A few quick comments. It is amazing how much people suffer on their own when there is a disability in the family, and how much we leave them on their own and what little resources there are by way of government services to help out. It is amazing to me how governments can cut taxes and say, "We're overtaxing people," and then we don't have enough money to help people who have a disability or a family that has to deal with that and make sacrifices, as you have. Or governments are unwilling to raise income taxes because, "We can't do that," and then we leave you on your own. It amazes me that we just don't make governments accountable. I just don't know how we let that happen.

**Mr. Bonnah:** I'd like to respond there. To me, if the Ministry of Health had spent a few extra pennies to test all children who had adverse events, we would be saving money overall.

**Mr. Marchese:** I understand that in that regard.

**Mr. Bonnah:** So if you're going to save money, you've got to make sure that you're actually going to be saving all the government money, not just your little department.

**Mr. Marchese:** I agree with that absolutely. On the other hand, I worry about so many other families who have disabilities beyond their control and are on their own.

On the issue of integration versus segregation, I am a big supporter of integration, because I believe it's good for everyone. It's good for all students: those who have more abilities to do things and those who have fewer

abilities to do things. The problem with integration is that if you don't put resources, as indeed we haven't and as indeed we're not, that means that teacher is on their own, that means that boy or girl or child who is in an integrated class will not get the benefit of inclusion. That's the real crisis. We need money to include students in the regular classroom in order for that to be a successful, wholesome situation. Do you not agree?

**Mr. Bonnah:** I agree fully. It took me four years to get my child back into school. We tried it at two schools, first of all, and it was unsuccessful because the resources weren't there. It got to the point where the school board was calling the police and children's aid on me to try to force my child back into the segregated environment. It wasn't until they were ordered by the tribunal, thanks to the ODA, that they put the right resources in, and now, with the right resources, everybody's happy and Zachary is flying.

**The Acting Chair:** Thank you very much, Greg. We do appreciate your submission this morning.

#### OTTAWA AND DISTRICT LABOUR COUNCIL

**The Acting Chair:** I'd next like to call upon the Ottawa and District Labour Council; Sean McKenny, president. Welcome, sir. You will have 15 minutes. Any time left over will be used for questions. It's good that you're with us today in Ottawa.

**Mr. Sean McKenny:** Thank you. It's a pleasure to be here. We're changing format just to a degree and that's primarily focused on—Karen Dawe, who's with me now, is a friend to the labour council, and we got into a discussion while we were listening to other presenters. It's not that we weren't paying attention to the other presenters, but in any case, Karen is very passionate about some issues in respect to the ODSP and OW and she wants to make some comments. I'm assuming that's OK.

I would like to thank the committee for the opportunity to present here this morning. The Ottawa and District Labour Council has been the voice of the broader labour movement in Ottawa since 1872. Since that time, the labour council has grown to represent over 90 Ottawa-area unions comprised of approximately 40,000 working men and women in the Ottawa area.

I want to start out by commenting that the act is a step forward. When compared to actions and steps taken by the previous Conservative government, it does become apples and oranges, and we think it's important to say that. At the same time, what is also apparent to most is that overall the act will not achieve its objectives if amendments to the act itself are not made.

A lot of comment here is repetitive in that others have made the same references. That repetition is caused by organized labour being on the same page in respect to opinions and viewpoints on many issues but specifically, in this instance, on Bill 118. That viewpoint is based upon the commitment and the work that traditionally and

historically labour has put forward toward disability and accessibility issues.

Spun through discriminatory practices in all areas of society—and discrimination is discrimination is discrimination—we have an incredible amount of skill and expertise when it comes to the workplace or workplace issues, whether it's return to work or modified work or workplace accommodations required as a result of a workplace injury or, as referred to earlier, the discriminatory practices in respect to hiring. The process then, and getting to where you're planning on taking us, requires expertise, and organized labour must be a part of that process, and that part must be at every step or stage of that process. That does not exclude others who must also be along as part of the process as well.

Several areas or sections in the bill allow for exemptions, and we have a hard time understanding that. We have a hard time understanding why. It's not good enough to do the job half right. As I noted earlier, discrimination is discrimination is discrimination. Simply put, we don't believe that there should be any exemptions.

The year 2025 is noted in the bill, and it's difficult to understand that. As referenced by others, an infant born today would have to wait until they're 20 years old to enjoy the rights of citizenship, including employment opportunities. It just doesn't make a whole lot of sense. The plan spans two decades, and it stands to reason that some of the key regulations will never see the light of day and will not be enacted, either by this government or by future provincial governments. That's not to imply that this government will not span two decades, but I think you follow what I mean.

The generalities and vagueness of Bill 118 are alarming and need to be clarified. In its current form, too many significant issues are left up to cabinet.

I'm going to bounce over to a part of a document already presented by others. I don't see repetition as a bad thing. On the contrary, when I was putting together this short presentation, a lot of the material that I came across was repetitive, and that's from different groups and organizations—some labour, but others as well.

#### 1050

The committee work is crucial—and others have said that this morning—and critical to this process, yet the bill does not address the following: define what or who might be the representatives of persons with disabilities; direct that there should be a variety of representatives from the community of persons with disabilities or that it is necessary to have representation from a broad cross-disability perspective, thereby ensuring that all barriers are appropriately identified; require a certain percentage of committee members to be persons with disabilities; say how the minister will first select and then invite members of the committees; provide for the length of time that a member sits on a committee or how a member is going to be replaced; provide for payment of expenses—and this is important, not that the others aren't—or indicate if any remuneration is authorized, and this is



in stark contrast to the provisions for remuneration and expenses for members of the Accessibility Standards Advisory Council as set out in section 31; and address the diversion of resources and costs that disability organizations will experience if their staff or members participate on various standards committees over lengthy periods of time. We can all agree that their time, like yours, is incredibly limited.

StatsCan states that there are approximately 1.5 million Ontarians with a disability. That translates into almost 13% of the total population. By 2025, that number is expected to increase to 20% of the population—and you know all this. It is important that, as we move forward, the necessary steps to be put in place to accommodate all those living with a disability. As I noted earlier, this government is making positive steps, yet it needs to go further. Those steps include language that is clear, that is concise, that is understood by all, language that references intent and reason. A purpose clause in a statute is critical to its interpretation and implementation.

ARCH has stated that the Accessibility for Ontarians with Disabilities Act is a rights statute and must reflect this, and we agree. It is being enacted to remedy the systemic exclusion and discrimination that persons with disabilities have experienced and continue to experience in all aspects of Ontario life. Although this is its purpose, it makes no reference to historical or current discrimination. Rather, it states that the purpose is to benefit all Ontarians. It is important for the courts to recognize that the Accessibility for Ontarians with Disabilities Act is anti-discrimination legislation and not a general statute for the benefit of all Ontarians. We make a very strong recommendation that section 1 be revised to clearly state that the purpose of enacting the Accessibility for Ontarians with Disabilities Act is to remedy the systemic exclusion and discrimination that persons with disabilities have experienced and continue to experience.

I would like to thank the committee for the opportunity to present here this morning. Now Karen Dawe is going to say a few words.

**Ms. Karen Dawe:** Hi. I just wanted to say that I agree with what Dave was speaking about earlier about the ODSP Act and that it isn't required to abide by the Charter of Rights and Freedoms, and it does not, in fact. Women and the disabled are the hardest hit. Women and children are living off about \$620 per month to buy all goods and services, and that includes rent. Rent is about \$900 minimum, and social services is expending even less—\$520 on occasions. The act is written simply to cut access—not just to make the disability disappear, but to simply cut access to that service. The whole idea was to reduce the rolls, and that's continuing.

People are drawn in there for four and six hours, and all of their private information is gone through. There was a privacy act that was written in 1997 by the government that allows the government to go through everybody's personal taxes. Their credibility and their integrity is challenged every day. They're guilty before innocent. Nobody is entitled to say anything. It's, "Do

what we say or get out; we take your money." If a person doesn't have any money for that day, that means they're really homeless in that immediate situation.

Social services does not address a crisis, so if somebody comes in with a crisis, they are just told, "We have to go by the legislation." It goes through appeal boards that are being paid excessive amounts of money—\$40,000 for this appeal of four to six hours, where they're basically interrogating a person and asking them, "Why are you disabled? Why are you here? Where can you get money to live?" That is the environment that people are living in.

People were behind the times 150 years when it had to do with disability. Now it's social services just leaving people outside, period. That's simply not acceptable. People will deny it—they say it's not there—and it goes on. If this act is not repealed, that means everything in the act has to be accessed anyway. It isn't going to do anything unless the act is actually repealed. So it's taken away, and people aren't treated.

You can't really go anywhere today with a disability or on welfare without being brutally treated by everybody. Women and children are particularly affected, because they're a group of people who were held back economically and socially for years and years. So this is a constant.

The act has written right in it that they're trying to stop dependence on welfare, which is a public program. It's public assistance that's there for the public. While a person is on it, they are a minority. I do believe that to be true, because they're usually a minority group of people living in poverty who are trying to access the welfare system.

**The Chair:** Thank you. We have less than a minute each.

**Mr. Jerry J. Ouellette (Oshawa):** Thank you very much for your presentation. Just a couple of quick questions: You mentioned the timeline, which has been brought up on a number of occasions. What do you believe is an acceptable timeline?

**Mr. McKenny:** You know, I think five years sooner is more appropriate.

**Mr. Ouellette:** So 2020 would be—

**Mr. McKenny:** Yes.

**Mr. Ouellette:** OK. The other one: You said that there were too many issues that were left up to cabinet. Was there any one specifically that you had more concerns with than the other ones?

**Mr. McKenny:** I mentioned it in another part of the presentation as well: The wording, the language, becomes really important, so that it ends up being something that is understood and not something that is left up to those in legal to determine.

**The Chair:** Mr. Marchese.

**Mr. Marchese:** Thank you both. I'm just going to repeat some of the things you said, rather than asking you questions, because there are a lot of people who have agreed with you, and you made reference to other people who have made presentations and said the same things.

On exemptions, there is absolutely no reason why any organization or building should be exempted, I think, or at least organizations. Do you agree with that?

**Mr. McKenny:** Yes.

**Mr. Marchese:** Do you think some organizations could be excluded or buildings should be excluded, or should nothing be excluded?

**Mr. McKenny:** Nothing.

**Mr. Marchese:** OK. I think most of the people who have come before this committee have agreed with that.

On the timelines, most people—I would say 90%—have said that the timelines are just too long. I can't see this government sticking to their time frame. It's got to change, and if they don't cut it down by half, I think they'll find themselves in difficulties.

The purpose clause: Many people spoke to that as well. They say that's the foundation for its interpretation, and if there's nothing in the bill that speaks to an anti-discrimination kind of bill that says we're going to break down barriers, then it's a weak bill. The reference to, "This is a benefit to all Ontarians," doesn't make any sense, and it defies and belies much of what Minister Bountrogianni has said in past statements.

Payment to people for being on a committee, as well, is something that others have referenced, and I think that's useful. How members get selected on that committee is something others have raised as well. So I thank you for all those suggestions.

**The Chair:** Mr. Ramal.

**Mr. Ramal:** First, thank you for coming, and thank you for your positive views about the bill.

Is there anything you like in the bill?

**Mr. McKenny:** Be careful about how positive I seem.

**Mr. Ramal:** The second question: You don't think your views conflict with many organizations that came for the community and presented their concerns?

**Mr. Marchese:** Which one?

**Mr. Ramal:** I'll name a few of them: ARCH, ODA committee, the council which was with us here today. Everyone has a positive view about the bill. We share your concern that there needs to be some amendments to adjust it to meet all the concerns of the people with disabilities across the province.

Going back to my first question, do you like anything in the bill?

**Mr. McKenny:** You know, again, I think I was pretty direct. I was pretty clear on that. It's a positive movement forward. Everything that I referenced—and I would have difficulty, that a lot of us are not on the same page. You know, I would disagree with you. I think that a lot of us are saying the exact same thing.

**The Chair:** Thank you for your answer and for your presentation.

1100

## LAURIE ALPHONSE

**The Chair:** We'll move on to the next presentation, Laurie Alphonse. Good morning, madam. There will be

15 minutes total for your presentation, potential questions and comments from the membership. You can start whenever you're ready.

**Ms. Laurie Alphonse:** I'll try not to speak for the whole 15 minutes. First of all, thank you for the opportunity to appear before you regarding Bill 118. I consider this the chance to shape the future of Ontario, the province where I was born, received all my education and continue to live with pride.

I'm a consultant on issues related to health, education and social services for persons with disabilities. I hold a bachelor's degree in sociology, a bachelor's degree in social work and a master's in social work. I am a registered member of the Ontario College of Social Workers and Social Service Workers and a member of the Ontario Association of Social Workers.

In addition, I am a community advocate working to educate clients about their rights as Ontario disability support program recipients, and I assist with Social Benefit Tribunal appeals. My work in both these areas has led me to an active role providing community support for the Ottawa-Carleton Independent Living Centre and for Daly Support Services Corp., where I serve as a member of the board of directors.

Working with these organizations has given me a grassroots perspective on poverty, housing and health issues that are faced by people with disabilities on a daily basis. I have been blessed with the ability to express myself, and for years I have pledged to use that gift to help others. That's why I'm here.

Bill 118 begins a process of changing the way the general public in Ontario views accessibility. Although progress timelines are set out in five-year cycles, a 20-year implementation plan makes it impossible to envision real, tangible results for people with disabilities living today.

People with disabilities have been subjected to harsh realities regarding housing, health care and economic deprivation, all with a healthy dose of regulations that follow. People with disabilities deserve results that they can see, touch and feel. Structural improvements, though helpful, are only part of the puzzle.

In terms of the establishment of standards, setting up standards must be considered in a regional context and must not become mired in committee process. Committee processes must be encouraged to be transparent, and wherever possible the development of accessibility standards should be placed in the hands of existing equity, human rights and/or accessibility committees.

In developing standards, it must be considered that disability is experienced differently by every person, and what represents a fix for one person may create problems for another. This emphasizes the need for flexibility in the development and implementation of any standard.

In regard to the time frame, the cyclical nature of the time frame component suggests that there might be a tendency to only revisit accessibility standards when approaching a timed benchmark. The purpose ultimately is to make accessibility an ongoing endeavour, not some-



thing simply to be dusted off when a deadline is approaching. In addition, administrative reporting criteria time frames may hamper actual efforts of constructive accessibility. The last thing anybody wants is accessibility projects being caught up in administrative red tape.

In terms of implementation, the bill follows an interesting flow. It discusses filing of accessibility reviews and reports followed by an immediate discussion of inspections and the appointment of inspectors. I support this legislation, and the leap is daunting even to me. I expect that the legislation, as it is written, may send some business owners running for the hills. Without proper public education and incentives, this legislation may trigger a negative backlash toward consumers with disabilities. The compliance pieces of this legislation could be scary for small business owners who may in their hearts want to comply but who have little resources and/or knowledge to do what needs to be done. Small business owners will need guidance from the accessibility directorate. Support may come in many forms. Public education, guidance and financial assistance may go a long way in achieving compliance overall.

In terms of next steps, I have some recommendations. The government, in pronouncing the regulations on the province of Ontario, must lead by example. I am asking the government of Ontario to undertake a review of all policies related to people with disabilities and remove all systemic barriers contained therein.

Some examples: Clear links should be established between Bill 118 and the Ontario Human Rights Code. Such linkages should be written into Bill 118 and should complement the efforts and work of the Human Rights Commission. Perhaps some of the accessibility standards could be developed using work already underway at the commission.

The government of Ontario should harmonize the definition of disability throughout its services and programs to reflect the needs of Ontarians with disabilities, not the needs of specific programs. Currently, the government of Ontario has in use several definitions of disability in accordance with program parameters. This serves to discriminate and further disadvantage people with disabilities. The government should be part of a solution, not facilitators of problems.

The lack of community support—home care—places undue strain on people with disabilities, with dire consequences. People are admitted to long-term-care facilities far earlier in their lifespan and, for some, that lack of independence spells an end to life itself. The government, in its efforts to support people with disabilities, must recognize the importance of community health in maintaining quality of life. In addition, the government of Ontario must recognize, in principle but also in practice, the importance of self-determination for people with disabilities. The system as it is currently set up fits people in criteria with little concern for individual life choice.

#### 1110

My next point has to do with the Ontario disability support program. A barrier to the employment of people with disabilities is the Ontario disability support program. The STEP provisions for maintaining a portion of income earned are set at unrealistic levels.

The Ontario disability support program employment supports waiting period is too long. People applying for employment accommodation assistance have lost jobs while waiting for assistance.

The Ontario disability support program employment supports component should recognize the inherent difficulties experienced by people with disabilities in finding gainful employment. The government should remove all time limits and constraints on clients in the program and expand the parameters to address a more comprehensive range of needs.

The Ontario disability support program should recognize the efforts of recipients who are making concerted efforts through educational pursuits. It should not consider Ontario student assistance program funds as income and should waive the overpayment balances that result.

The Ontario disability support program should be reorganized and returned to a client-caseworker format. The current team system does not recognize the individual needs of people with disabilities and does not provide the personalized support people with disabilities need to live successfully in communities across Ontario. In addition, client verification processes should be conducted in person, if at all. The process currently does not take into account the physical and/or mental capacity of clients and has in some cases caused adverse health reactions brought on by stress.

The application process for ODSP employment supports currently heavily favours people with physical evidentiary disabilities. This disqualifies many people with mental illness on their first attempt. This has absolutely devastating consequences, resulting in hospitalization and the onset of acute episodes in many cases. Is it really necessary to make someone worse before we make them better?

Ladies and gentlemen, these examples I just gave you are examples drawn from my own experience as an advocate. They are drawn from my own case files, and I can only tell you that in enacting an ODA, you need to look at the government of Ontario's own policies to really look at the way in which we define inclusion and move toward—I'm sorry if I lost my train of thought there.

I think it is really important to realize that people with disabilities are not in a position to—they're placed within a system, and it's forgotten sometimes that they're individuals. So we need to bring those pieces back to truly make it an ODA that works and inclusion that works.

**The Chair:** We don't have any time for questioning, but we thank you very much for your presentation.

**Ms. Alphonse:** Well, I'm here all day, if anybody wants to—

**The Chair:** OK. Surely. It's up to the membership. We thank you again.

### MYALGIC ENCEPHALOMYELITIS ASSOCIATION OF ONTARIO

**The Chair:** We'll move on to the next presentation from Margaret Parlor. Good morning, Ms. Parlor. You've got 15 minutes in total, and you can start any time you're ready.

**Ms. Margaret Parlor:** On behalf of Ontarians with myalgic encephalomyelitis, I would like to thank you for this opportunity to appear before this committee. I will be basing this presentation on work our association has done to eliminate barriers that young people with ME face when trying to access educational services in the Ontario public school system.

Our experience reinforces a theme you have heard from the previous speaker and several times already this morning. There are different definitions of disabilities in Ontario. In our experience, there's a definition in the code and a very different definition in the school system.

Let me start by answering the question or looking at the question, what is ME? ME is classified as a neurological illness by the World Health Organization, and it is an illness recognized by the Ontario medical system. It is often referred to as chronic fatigue syndrome. This name is misleading, because there are indeed seven requirements for a diagnosis of ME.

The first one is fatigue, physical and mental, that substantially reduces activity levels, generally by 50% or more. Taking this definition, you will see that a student with ME cannot maintain a full-day school program. In milder cases, a student will be able to attend part-time. In more severe cases, a student will be housebound and education is accessible only if the school comes to the home.

The second requirement is post-exertional malaise and/or fatigue, which means that if people overdo it, they pay a price.

The third requirement is sleep dysfunction—and there are no easy fixes to the fatigue.

The fourth requirement is pain, which often meets the criteria for fibromyalgia. These are overlapping conditions and have many similarities.

The fifth requirement is neurological/cognitive manifestations, such as problems with concentration, short-term memory, information processing or word retrieval. Now, that just sounds like a learning disability, but what makes it difficult for the school system is that the symptoms wax and wane. At times, the student can function quite normally; then there might be a bit of a fading out and, at times, the student seems absolutely clueless. We have found that the most successful educational arrangements are ones that can take this waxing and waning into account.

The sixth requirement is autonomic, neuro-endocrine or immune system symptoms, and that can lead to, for instance, environmental sensitivities.

Finally, there is a requirement of a minimum duration: six months for adults or three months for children.

1120

A major study in the late 1990s in the United Kingdom found ME to be the leading cause of long-term school absence—that is, absences of two months or more. The study found a rate of 70 per 100,000 students, which would translate to around 1,500 students in Ontario having their education disrupted by ME. The study likely underestimated the frequency, and the rate might be two or three times that number.

The Human Rights Code definition of disabilities was passed in 1982, when disability rights were added to the code. The wording has not changed significantly since, but the concept of disability has been broadened considerably by the courts. The Human Rights Commission states in its policy and guidelines on disability and the duty to accommodate, “‘Disability’ should be interpreted in broad terms ... [I]t is clear that” the disabilities listed “are merely illustrative and not exhaustive.”

Chronic fatigue syndrome is specifically mentioned as a disability in the policy and guidelines document, in the guidelines for accessible education that came out in November and in correspondence from the chief commissioner. Thus, while the 1982 code wording does not contemplate ME at all, the courts and commission are clear that ME is a disability and people with ME have the full protection of the code. The problem is that not very many people know this.

Let me note that the public education system in Ontario is called on to provide educational services to a broad range of disabled students. Many disabled students have benefited from the special education programs provided across the province. Let me also note that some students with ME receive good service. Unfortunately, this is not true for all.

We have pinpointed three key barriers that students with ME and fibromyalgia face, and I quote from a letter we sent to two Ministers of Education:

“Educators are generally unaware of these conditions. They do not consider them as possibilities when a student displays symptoms and they may respond to the symptoms with inappropriate or harmful strategies.” Our national association has prepared a sourcebook for teachers, which provides information on how to teach students with these conditions. I'll just point out that the document is available in English only, and yet availability in French is an accessibility issue.

Secondly, “While a young person may have major special needs, it is not clear he/she could qualify for special education services since the symptoms do not fit neatly into any category of exceptionality” developed by the ministry. “Further,” because there are no categories, “there is no guidance to educators on how to respond to these cases.” I'll note that the United States has similar types of categories of exceptionality. It's roughly parallel to that in Ontario, but it has an additional category, “Other health impaired,” which includes chronic fatigue syndrome.



Finally, we note that, "Important accommodations for young people with these conditions, such as home instruction, part-time schooling and rest periods, are rarely considered in the context of special education." Another strategy that should be considered is an on-line classroom. This model is working successfully in the United Kingdom. It brings homebound students together on-line, which works very well for students with ME. They're also finding that it works well for students with autism who are overstimulated, possibly, in a regular classroom.

There is another barrier I would like to mention. We know of a very ugly incident where a school principal refused to accept a diagnosis of ME and unilaterally implemented a medically harmful accommodation plan. The family was unable to get the principal to relent or the school board to intervene and ended up withdrawing their child from the education system. An effective anti-harassment policy would have made a difference. The Ontario Human Rights Commission in its recent guide to accessible education states that education providers have the responsibility to take immediate remedial action in situations where bullying or harassment occurs. We hope that the Minister of Education will act quickly to ensure meaningful anti-harassment policies are in place across the province.

**The Chair:** Thank you. There is about a minute each and, first of all, it will be Mr. Marchese, please.

**Ms. Parlor:** Oh, I have a couple more things to say. Sorry. I was just going to continue.

**The Chair:** I'm sorry. I thought you were finished.

**Ms. Parlor:** No, I want to go on and say that while it has great potential, our experience with the ODA has been disappointing so far. The ODA definition of "disability" uses the 1982 wording of the Human Rights Code. Recall that the code has a narrow definition that the court broadened to include conditions like ME; then look at what is written in A Guide to Annual Accessibility Planning in Ontario. It says, "The ODA adopts the broad definition for disability that is set out in the Ontario Human Rights Code. 'Disability' is," the 1982 definition.

The examples used in this guide do nothing to correct this misinterpretation of the law. Of the 50 or so examples used, 90% relate to physical, visual or hearing impairments and none refers to ME, fibromyalgia, environmental sensitivities, autism or other disabilities that were underappreciated in the past. The ODA guide for school boards has the same flaw.

With this background, we turned our attention to Bill 118. There in section 2 sits the same 23-year-old definition. We're afraid that this is turning back the clock and that the ME community will continue to be ignored. We are therefore asking that the definition of "disability" under the Ontario Human Rights Code, the ODA and the AODA be amended to reflect the current interpretation of disabilities. Failing a revamping of the definition, we would ask that recognized conditions such as chronic fatigue syndrome be added to the existing definition. We

ask also that all material that has been prepared pursuant to the ODA be reviewed and revised to reflect the current, broad definition of disability.

**The Chair:** That's all now?

**Ms. Parlor:** Now I'm done, thank you.

**The Chair:** We still have two minutes. Mr. Marchese, one minute.

**Mr. Marchese:** Margaret, I think one of the issues that many people have talked about is why education is key to dealing with issues of discrimination, with a whole range of people with certain disabilities. The minister said that this is a key thing for her, that she would look into public education—not just an awareness campaign, but presumably an anti-discrimination kind of campaign against all sorts of people with disabilities. My view is that that's key. Although we talk about it all the time and say that we need to do that, it never happens. Do you think that we should build into the act an education component, however we do it, so that it does happen, versus relying on the government to do it in some form or other, which may or may not happen?

**Ms. Parlor:** I do not know the most effective way, but I do know that the education system is facing enormous accessibility challenges. It is succeeding in many cases, but it has a way to go.

**The Chair:** Ms. Wynne.

**Ms. Wynne:** Thank you for coming today. One of the things that has been really beneficial about this process is the highlighting of the need for strengthening of people's awareness. We've heard a lot about attitudinal issues, the need for standards to be very clear. I struggle with the balance between the setting of standards and compliance, and the need for overt education of the public on some of the issues that you're talking about. But I think that education is going to begin to happen in the development of the standards.

My specific question to you is, can you talk briefly about an example of where the education system has done well in terms of accommodating that waxing and waning of symptoms? Not a specific place, but what are some of the key attributes of that approach that you've seen that have worked well?

**Ms. Parlor:** I was talking to a parent the other day, and she said that she had a very good experience with her child, and it was simply that the teacher knew when the child was prepared to learn and knew when the child was not receptive to learning. When the child is in good shape, you can teach things like math and science; when the child is not in such good shape, then you can do things like art or music appreciation or listening.

1130

**Ms. Wynne:** So it's awareness at the classroom teacher level. To me, that's the link between the discussion around special education and this AODA discussion.

**The Chair:** Mr. Ouellette.

**Mr. Ouellette:** Thank you for your presentation. You mentioned a sourcebook. Where was that accessible and what was the name of it?

The other part would be, have you seen an acceptable definition? We constantly hear about the definition of "disability," although nobody's actually come forward and said, "This is an acceptable location in another jurisdiction where they have it."

**Ms. Parlor:** In answer to your first question, it's called Teach Me. It's a sourcebook for teachers of children with myalgic encephalomyelitis/chronic fatigue syndrome and/or fibromyalgia. It's available from the National ME/FM Action Network at [www.mefmaction.net](http://www.mefmaction.net).

As for a definition of "disability"—my husband suggested I write a definition before I came here—it is an enormous challenge and it would be difficult to write. I don't know of one.

**The Chair:** Thanks so much for your presentation.

#### CANADIAN STANDARDS ASSOCIATION

**The Chair:** We'll move on to the next presentation, from the Canadian Standards Association; Mr. Parker and Mr. Prost, please. As you get ready, just a reminder that there is a total of 15 minutes dedicated to your presentation and potential questions and comments. You can start any time you're ready. Everything is being taped and will be shown on TV on Thursday, February 10. Thank you for being here today.

**Mr. Tom Parker:** Thank you very much for the opportunity to speak to you. Let me just see if we can make this appear.

**The Chair:** While you're getting ready, if anybody needs assistance, we do have three staff members assisting people at the back of the room. Be aware of that, and be aware that everything we are discussing today is being translated into sign language and French and will be shown on TV on Thursday, February 10.

**Mr. Parker:** It seems that technology is letting us down, so we'll go with eye-to-eye, and you do have copies of the slides there in front of you. Alar and I are very pleased to be able to speak with you this morning. We both served as volunteers on the CSA building standards committees for a number of decades, as well as other building code committees.

We'd like to tell you a little bit about the CSA to begin with. It's a non-profit, non-statutory agency that has been in existence for 85 years and serves industry in a large number of areas.

The handout material includes the standard on accessibility design in the built environment. That's our major topic for this morning.

This mike seems to be fading in and out. Is that—

**The Chair:** No, sir. It's very good.

**Mr. Parker:** OK. In the built environment, the committee is comprised of over two dozen volunteers from user groups, including several levels of government, industry, manufacturers, agencies, and non-profit societies that work with people with disabilities. This committee, as it is typical of many that develop standards and building codes, works on about a five-year cycle. So it's not uncommon for building codes and standards to be

updated and improved over five years, but it is a lengthy process and does require a great deal of input from a number of sectors.

In terms of standards, the current building code has many great attributes. It's not as completed as other codes, and I think if you were to turn to the table of contents in the CSA from your package—you don't have a hard copy there in front of you just yet—it has a three- or four-page index that details the extreme defined detail of building features, which are specified in the recipes for making them usable by a broad spectrum of people with disabilities.

What my discussion is leading to is that wheels do not need to be reinvented. Solutions do not need to be recreated. It shouldn't be necessary for five years of additional committee work to come up with something that will work for the people of Ontario with disabilities. It's reassuring after 10 years of discussion on the ODA that we're reaching a point where a more sensible government is in place and something can actually happen in a concrete way. We look forward to seeing that.

However, the timeliness of implementation of effective building requirements is critical. We don't think it's necessary to wait, certainly not to wait till 2025, and not even to wait till 2010, because there are standards out in the community that meet many levels of approval. It wouldn't be difficult to look at the recipe book offered by these standards and then draft regulations. This is key: It's different from standards. You've got the recipe which says how to; the regulation says where to and when. In the regulations you can encourage financially, with tax incentives and other ways, and we'll talk about that in a moment.

With early implementation, and the sooner the better, we can prevent the construction of new barriers. In the 10 years that have passed since the ODA was first conceived, a significant number of buildings and projects have been built in Ontario—millions and millions of dollars' worth—far less effectively than they would have been had we been discussing this around a table 10 years ago. We'd certainly like to see that trend nipped in the bud. Let's not continue building new barriers.

We can also take a good look at the building code as it has existed and see a number of ways where it falls far short of eliminating existing barriers. The current code has some requirements on the part of new construction, but it has huge loopholes that permit builders and renovators to ignore upgrading buildings to meet accessibility requirements. You need to have a focus on the requirement to include improvements on every major renovation, and a major renovation could be thought of as something in the area of 10% of a building's value. You can't build much of a construction these days for a million dollars.

If you take a look at page 6 of the slides, there's a photo there of an apartment building in Ottawa, a pretty typical 20- or 30-year-old high-rise of 11 storeys. It underwent a major facelift. It was completely stripped of



the exterior brick cladding a year or two ago and a huge budget was expended on it, but the entrance that you see in the right-hand picture wasn't touched during the renovation. Although the stairs were replaced and the planter was replaced, the door frame and the doors weren't looked at at all. There was no need to make the building accessible. They may have spent \$5 or \$10 million redoing 11 storeys of brick, but there was no requirement to spend another \$2,000 or \$3,000 to improve the entrance.

The next page shows a typical solution in a home dwelling for an entry ramp. Other typical renovations would include interior door widths, as well as toilet accessibility, as major building elements that would need to be addressed.

There's a very good reference book which you can use to convince those who lobby you not only that it's economically important to build it right the first time, because that's the cheapest way, but also that to renovate while you're in there doing it is not very expensive either. You shouldn't be put off by arguments of poverty. Excerpts from the means guide to compliance of the ADA, the Americans with Disabilities Act—there's a publication which I'll leave with your secretary—indicate the costs, on a project-by-project basis, of making barrier-free changes in a building. Although it's 1994, it goes through the costs and lists the materials and the labour so that wherever you are and wherever you're applying it, you can easily do an estimate.

1140

The apartment building we saw could easily have had a very effective ramp put in at the front for around \$20,000. That's a large sum, granted, but when you're spending millions and millions redoing a building and investing in the residents—that second photograph had one of the residents going in. It was a coincidence that this older person using a cane had to stop and laboriously walk up the stairs, but I think it points out the fact that they, as residents, don't have any voice with their landlord. But as public servants, you will have that opportunity to make the comment heard.

I'm rambling. I'm getting a signal from my partner here.

The keys: Do not reinvent wheels, implement quickly and don't be put off by arguments that renovation is expensive, because we've got information to show that it isn't.

Alar, if you'd like to continue.

**Mr. Alar Prost:** As Tom mentioned, as a voluntary committee of the CSA, we did a clause-by-clause review of Bill 118. To continue with some of the issues Tom raised, one of the things we looked at was compliance with the legislation. What we saw was that it was very much words-oriented rather than deeds-oriented. We would like to see the legislation be a little more forceful in terms of seeing action and results coming from those who must comply with the legislation.

In terms of incentives and incentive agreements, we are particularly concerned that part IX, section 33, is very

loosely worded. It sets the minister and the government up for a tremendous number of opportunities for lobbying pressure and so forth. We believe that there has to be incentive equality for all those who must comply with the legislation and that incentives and exemptions are non-negotiable.

In terms of committees—and this is a particularly important one for us—what we see in the legislation is that there could potentially be dozens and dozens and dozens of standards committees. We're deeply concerned about this. What we feel could happen in the kind of situation where you have different economies, different sectors, different industrial groups, different classes of individuals and so forth, all working independently toward some kind of accessibility standard, is that the government is opening itself up for lobbying pressure, a lack of continuity between standards that may be created and the like.

We are suggesting that instead of having an advisory council and standards committees and local advisory committees and so forth, there should be one overarching standards committee. The benefit to that is that there would be a level of continuity because there would be one standard developed across the province and there would be subcommittees that work under this overarching committee that would feed into the overarching committee. They would be working together rather than in isolation.

We see that as a critical part of this legislation. We do not need a plethora of committees, but we do like the concept of the regional or local advisory councils. We encourage the government to see its own institutions, the larger institutions within the government, do the same thing to help them implement the act once it has received royal assent.

We're just about running out of time, so I want to say that the CSA technical committee certainly is supportive of the legislation. What we have presented today is that we want to see the legislation strengthened even further.

We would like to commend the government and commend the Ministry of Citizenship and Immigration, and certainly the minister responsible, for the commitment they have shown and the commitment that has come from all parties to this legislation. We would certainly welcome the opportunity to continue to work with those responsible for moving this legislation forward.

**The Chair:** You're right on the 15 minutes. Thanks very much for the presentation, gentlemen.

#### ACCESS NOW

**The Chair:** We will move to the next presentation, from Access Now; Charles Matthews.

While Mr. Matthews gets ready, just a reminder that we do have people to assist if anybody needs any assistance. They are standing at the back of the room and at the entrance to the room. Everything is being translated into French and in sign language. This

discussion will be broadcast on television on the parliamentary channel on Thursday, February 10.

Any time you're ready, sir, please start.

**Mr. Charles Matthews:** First of all, thank you for coming to Ottawa, the city that has become more accessible at a more accelerated rate than any other city across Ontario and Canada.

My name is Charles Matthews, and I have the honour of wearing many hats in this great city, including 11 groups and organizations dealing with accessibility issues. I also have seven different disabilities myself, of which four are what you have heard of as being invisible disabilities.

I am proud to be the publisher and editor of Access Now. It's now subtitled Making Our World More Accessible for All. I also represent the disabled community on the accessibility planning committee at the Ottawa-Carleton District School Board, and I am the president of Disabled and Proud, an independent voice for the disabled community. At the end of the day, I will be presenting on behalf of Disabled and Proud, but at this time I want to enlighten you on what our newspaper and readers have to say on Bill 118, the Accessibility for Ontarians with Disabilities Act, 2005.

Disabled and Proud, the originator of Access Now, was formed to be an independent voice for the disabled community to all levels of government. It decided to go where no other groups have gone before and proclaim that advocacy was the primary focus of the group, thus giving up the hope of ever getting any direct funding for our group. In 2001, there was a Para Transpo strike. A group called Action Ottawa was formed and performed a protest march to successfully end the 70-day strike. Upon seeing that the disabled were finally being listened to, we formed Disabled and Proud and started to make things happen. Within a year, we were the group that reshaped Parliament Hill, with property manager Brian Cooke of Public Service Canada. We started a process of bringing accessible taxis to Ottawa by having a couple of councillors actually go and see these taxis from London, and also to make the accessible vans. We also joined the Ottawa chapter of the ODA Committee.

As a point of information, it was a Canadian who, at the end of World War II, went to the United Nations to establish some rights for the disabled. Since then, 42 countries around the world have established a federal disabilities act, yet we in Canada still do not have one at the federal level. That is why we feel very fortunate to live in a province that is leading by example and showing what can be done to make our part of the world more accessible. The province cannot control federal jurisdictions, so that is why two members of our group, along with a representative each from the Canadian Labour Congress and the Public Service Alliance of Canada, filed, with then Minister of Justice Martin Cauchon, A Framework for a Canadians with Disabilities Act.

Access Now was first published in September 2002, as there was no one source of information available to all in regards to accessibility issues in Ottawa. There were

publications on national issues and, in Ottawa, many community newspapers, but none of the community newspapers carried the information people wanted on accessibility issues. We are about to start our fourth year of publication, and what better way to start than to report on what is happening now with this new legislation?

**1150**

You have before you a copy of our September 2004 edition of the paper, and there are more at the back of the room. I hope you can take the time to read it and see what we're reporting on and what the concerns are in the disabled community.

On the front page is a story on housing here in Ottawa, and I am sure similar situations are happening all over the province. One of the main issues in community housing is the large number of people on waiting lists. I had the pleasure of addressing, in this very room, the pre-budget consultation on January 12. Most of this waiting list could be reduced if the base amount for rent under ODSP was increased to realistic amounts. Persons on ODSP have no choice right now but to live in subsidized housing. We need this act to ensure that all ministries must remove barriers within their own jurisdictions and that the disabled be given not only the tools to achieve their full potential but the means to do so as well.

At the same meeting, we also called on the government to set up funds within the new budget to implement this new piece of legislation. The last thing we need to hear over the next little while is that there is no money in place to make the necessary changes that need to be done this year. Even if there are to be no financial consequences this year, there will be in the future. If these monies are not used this year, set them in a reserve account for the future. What you also find is that you realize savings by making things accessible. We're asking you to take these saved amounts, as is being seen here in the city of Ottawa—they're actually saving money—and put these monies into these reserve accounts so we have money in the future for some of these financial considerations. All we're asking you to do is to lead by example. After all, are we not going to ask the private sector to make financial considerations for their own projects?

To go back to the paper for a second, inside, on page 12, you'll find a story involving a person desperately trying to get off the ODSP program and become financially independent. If he were allowed to claim his expenses, as the income tax laws allow him to, he would possibly be off the government support program within a single growing season. However, the ODSP interpretation is that he's not allowed to pay for help at harvest time to harvest his crop. Instead, he has to declare his gross revenues and thus reduce his ODSP to nil. This is just another barrier for people like him to live independently. By the way, David Thomasson was your first presenter today.

On page 4, you will find a full page on the ODSP payments and what needs to be done. We always give our readers what the government has to say. The top of the



page is word for word from the government. Down below is what we recommend. It states what we and our readers expect. This is again a reason for the ODA to be applied to ministries first, and then, by example, the rest of the province can follow.

This legislation has to address many issues involving education as well. You have heard today from one of our writers, who comments on education issues on page 5 of Access Now. His and his child's case was one of the first to use the ODA to win. We therefore ask that you set up a separate, independent body that can help groups like ours to properly apply the act when needed in a court of law.

By the way, Zachary Bonnah is now in an integrated environment, achieving results that the school board deemed he would never be able to achieve in his lifetime. Is it possible that one day this child might be another Einstein, who was himself deemed to be unteachable? If he were in the school system today in this environment, he'd be put in a school like Clifford Bowey, deemed to be unteachable.

On Page 10, you will be enlightened by the article on the CCACs and how they impact the lives of persons with disabilities and others, such as our seniors. The government has to look at controlling these situations more and actually getting the funds to those who need the service, not to the warehouse-style CCACs, which use so much funding on administration. It was tabulated two years ago that 48% was spent at the administration level.

Up till now, we have had to highlight stories on how the system has failed our community. We hope, then, that as of today this will change and we can start writing how well the government is listening. All these stories have a common solution: Have the government practise what it preaches. Eliminate the barriers from within, and then others will have an example to follow.

Some of the common feedback received from our readers regarding this new legislation is, it should be emphasized that the goal of the legislation is to make all of Ontario barrier-free by 2025. There are a lot of entities out there that still think they can wait until 2025, with this new bill, before they have to do anything. What we're emphasizing is that three- to five-year intervals be set up to achieve major projects, and annual plans for eliminating smaller barriers should also take place. Tonight, you'll hear a little bit more of the technical aspects and more recommendations on behalf of Disabled and Proud, but what we're covering here today is what our readers have said.

Another item that our readers have said on many occasions is, how can we be sure we have a say in what transpires over the next few years to make sure that the legislation is enacted and fulfilled? Many have suggested that there be an independent body set up to review the progress that is being made, to also credit those entities with their achievements and to guide those having difficulties in becoming barrier-free with help.

In conclusion, my ultimate dream is to be able to report and carry stories on how well this legislation is

helping to remove the barriers that exist today and in the future. We want to carry the success stories that can easily come to be if this legislation is solid, enforceable and enacted quickly. The government now is in the driver's seat to mould our stories into positive ones. Please make us Disabled and Proud. How to get it, is Access Now. Thank you.

**The Chair:** We are just right at time, so there is no time for questioning. We thank you for your presentation and also for the newspaper. We will be able to go over it during lunch. We will have a break of an hour and 15 minutes.

**Mr. Jackson:** Mr. Chair, can I just ask you what your watch says, because my watch says—

**The Chair:** It says 12.

**Mr. Jackson:** Your watch says 12?

**The Chair:** Well, a minute to 12, more or less. If you have a question, I will allow it. Do you have a question, Mr. Jackson?

**Mr. Matthews:** Can I just make a point? I timed this speech to be about 11 minutes, so maybe I dwelled too long with some breaths?

**The Chair:** That's the watch we have been using all day, but if someone has a question, I don't have a problem. Do you have a question, Mr. Jackson?

**Mr. Jackson:** Of course.

**The Chair:** OK. Ask the question.

**Mr. Jackson:** First of all, Charles, thank you for your presentation. I do get copies of your publication sent to me by Barry from the advisory council, and I find it quite enlightening.

I'm intrigued by this notion of arm's-length. In the original ODA, it was deemed that the independence—the Accessibility Advisory Council of Ontario was to be the entity that was sufficiently at arm's length from government that it could set the regs and codes and determine what standards were in effect. Would this office operate independently, much like the Human Rights Commission, or would it act more under the arm of a ministry, like the Office for Victims of Crime? How would you envisage this? Because it would have to be funded by government; it would have to have some teeth in order to be an oversight agency.

**Mr. Matthews:** Again, this has been brought up on many occasions with other entities that have spoken over the last four sessions. One of the things is to have somebody from the disability directorate right on there, somebody from the government, and a majority of the people being disabled. At the same time, it would be open and transparent. Therefore it would also be available for the outside public to contact this entity to actually get the information they need. Right now, it's a one-way process where we give suggestions but we don't usually get any feedback.

**The Chair:** Since Mr. Jackson asked the question, we'll allow the other parties to ask questions. I know Mr. Leal wants to ask a question too. A minute, please.

**Mr. Leal:** It will be very quick.

**The Chair:** We're already over the 15 minutes.

**Mr. Leal:** Charles, thanks for your presentation. I was just making some notes as you were speaking. Is there a possibility that maybe we should expand the role of the Provincial Auditor here—the Provincial Auditor, of course, is an officer of the Legislature—to report on compliance and how particular government agencies are moving to implement the legislation?

**Mr. Matthews:** Actually, it's very interesting, because just this past week we had the city of Ottawa budget and we put aside \$60,000 for a disability specialist, whom I hope you heard from this morning. Anyway, to make a long story short, this is what we probably need within the provincial government: somebody set up especially for disabled issues. As an example, right now we fit under the Ministry of Citizenship and Immigration. We feel there should be something set up exclusively for disability issues. As you can see, these are far, wide and wrenching. They touch on almost every aspect of life.

**The Chair:** Thank you very much. If there are no other questions, we will recess. We will be back at a quarter after 1 instead of 1 o'clock, since the first presentation has cancelled. We will be back at that time. For us, there is a restaurant on the first floor called Café Toulouse, so we can have lunch. See you upstairs.

*The committee recessed from 1203 to 1319.*

**The Chair:** Good afternoon. We'll get started right on time with our next presentation. We welcome all of you back to our afternoon session. Dr. Ken Reesor is waiting for us.

We are discussing, of course, Bill 118, the Accessibility for Ontarians with Disabilities Act, 2005. We have already had second reading, and we're just consulting with Ontarians to make sure that what we do is a good reflection of what Ontarians want.

Today is our last day travelling the province, unless there are any changes. We have already been in Niagara Falls, then in London, yesterday in Thunder Bay and today, of course, in Ottawa. We spent the first two days, January 31 and February 1, in Toronto. Hopefully, in the next week or two we are going to do some review of a number of issues that were raised and, of course, we will be doing line-by-line subsequent to that. That date has not been decided yet. Hopefully, we will make that decision today or this week.

#### KEN REESOR

**The Chair:** If you will give me a moment, just to make sure that we all know, you have up to 15 minutes in total. That includes your presentation, and questions and comments in answer, if there are any. We can't go over, because there are other people waiting. I would ask, sir, that you start your presentation now, please.

**Dr. Ken Reesor:** Just by way of introduction, my name is Dr. Ken Reesor. I've got a brief here that I believe you have. It summarizes most of my comments, so I'll just try to highlight a few things. I did say I'm coming here wearing two hats. One is as a regulated

health professional who works with disability and disability access issues and, second, as an operator of a clinic and a property owner where we've been involved in extensive modifications to accommodate disabilities.

With respect to my first hat, I just wanted to give a little brief background. I'm a rehabilitation psychologist. We work extensively with, largely, people who have been in motor-vehicle accidents, injured workers, people who are covered under WSIB, the SABS benefits. In fact, I've been on an advisory committee here in Ottawa for the pre-1990 WSIB claims. I've done other work academically and presentations to the National Institute of Disability Management and Research.

The second reason I'm here is that I have the privilege of working with an excellent partner who is scooter-dependent. We're moving our facility, and because we serve a lot of people with various types of disabilities, we've had to invest a lot of money in making changes to accommodate that. That's something that has been certainly very costly for a small operation and has proceeded not for any financial reasons but more of a matter of principle in human rights. But I did want to address some issues around the reality of implementing some disability standards.

I did want to make a couple of comments in support of this legislation. First of all, some of you might be familiar with the World Health Organization's international classification system that looks at disabilities and impairments. One of the things that I think is essentially interesting about their work is that the presence of the legislation that either helps or the absence that hinders disability is a risk factor. What this legislation is doing is eliminating very significant barriers. In that respect, I think the intent of this is very good legislation.

The other thing I wanted to comment on, especially with the kind of work that we do professionally, is that the presence of a disability—and I'm speaking very broadly—poses a risk anywhere from two to five times the rate of unemployment for people who do not have a disability. That's despite having the skills, the knowledge or experience. So clearly people are in a disadvantaged situation. Hopefully, this legislation is going to mitigate that and put people on a more level playing field.

The other thing I just wanted to comment on is the definition of both barriers. What constitutes disability is something very important in this legislation, because you're not talking just about structural barriers, but you're talking about attitudes, policies or procedures that can be very prejudicial and discriminatory. At least the bill provides some measure of addressing that.

I think it's also important to point out that what the bill is also encompassing here are disabilities that do not just involve physical, mobility or sensory but also mental health problems, so-called invisible disabilities. I think there are going to be some issues about implementation of this around certain kinds of disabilities in that regard. But these are certainly people who would be defined in the same way under other legislation such as SABS or the WSIB act.



Again, I alluded to one of my concerns: how these standards get implemented. Some of these are going to be very hard to put into place. I don't know if it's going to be within the realm of the mandate of this committee, but I think some serious work has to be given to the cost offset of some sort of funded supports, incentives or grants to enable these things to happen. I made a couple of comments in my brief about experiences in the United States, where you've got in a single plant annual savings of \$300,000 just because they've invested in making accommodations. They've offset costs for income replacement and other health care costs. You see the same thing with mental health. In more structured, contained organizations, for every dollar invested you get \$1.25 return, again in terms of reduced health care benefits and income support payments. I think that has to be a consideration somehow.

One of the things that obviously is good about the legislation is that it sets out a structure of developing accessibility standards. I know there are other presenters who have more eloquently addressed this whole time frame issue, which I think is a problem, but I do have some concerns about the way it's raised in the legislation. There are some types of disabilities that, even having representation on committee—I'm concerned that the needs are not going to be adequately articulated or addressed. I would like to see a little more force in having some kind of broad-range expertise also consulting with those committees that are developing the accessibility standards.

The other thing that I think is going to be critical is, when I looked at the mechanisms for enforcing some of these things, you're going to have a real problem with the more subtle types of attitude and policy barriers that are in place. As much as there are a lot of powers given to the inspectors monitoring this, there are some types of barriers that are going to require a lot more investigatory work, similar to what we might see in harassment or other discrimination cases that seem to be a little bit outside the bounds. So I think it's going to be a little bit difficult to properly enforce attitudinal barriers or other policies that might be more subtle, since that is under the purview of this legislation.

The last thing that I think is very critical, which we have seen in other legislation, like the Workplace Safety and Insurance Act and like the schedule of accident benefits, is that once the legislation has been put in place and there have been committees to develop guidelines for how these get implemented, there has not been adequate opportunity for input. I think that can undermine the intent of the legislation without adequate input at follow-up stages. So I would encourage, much like this forum right now, some openness, a little bit more. There have been some examples. The WSIB now has advisory committees looking at trying to contain old legislation, such as their pre-1990 claims, and my concern is that given the time frame here, I think you need some ongoing input so those don't go askew.

Those are just briefly some of my comments.

**The Chair:** Thank you. There are about six minutes left, two minutes each, and I'll start with the government side.

**Ms. Wynne:** Thank you for coming today. Can you just talk a little bit more about the ongoing input piece. What's your thought about what that would look like?

**Dr. Reesor:** Partly, we don't really know how all this legislation turns out. A good example might be, if you look at the schedule of accident benefits for motor vehicle claimants, what has evolved from there is that a structure, some basic criteria, was set in place for entitlement to different benefits. The Financial Services Commission of Ontario started to set up guidelines for DACs. Any of you who work in this area know that they can change some of their forms and procedures on a whim, not necessarily, I think, with the intent of rate stabilization, which was the intent of the legislation. Especially in a complex area like this, I think there needs to be ongoing input for how these procedures get implemented. I think it's within the legislation, but it maybe needs to be supported a little more strongly. It's very easy for these things to get set in place without adequate public scrutiny or input.

**Ms. Wynne:** There are advisory mechanisms that are in the bill that will be ongoing.

The other question I had was on your point about the need for increased vigilance, I guess, around some of the attitudinal barriers. We've heard over and over again in these hearings about attitudinal barriers, and one of the debates—and I think it's a societal debate—is the balance between legislated standards and education programs, that kind of thing. I guess I just want your feedback on what you think the key ingredients are to changing attitudes. If you have that magic wand, we need it at this committee.

**Dr. Reesor:** I think part of that is certainly a lot of awareness. I know there are organizations and groups here in our audience and there are specialists that do disability awareness and that sort of thing. I think it needs to be more strongly enforced. For example, we see in organizations zero tolerance toward discrimination and harassment. When there is an altercation, the solution is to send them for anger management training or sensitivity training, and that can be very, very superficial. It really has to be in the forefront. I think you need some concrete muscle to back it up.

My concern, though, in some of my comments is that it may not be enough. When you're trying to investigate whether people are being compliant, I think that kind of investigation is a little bit more than just having an inspector drop in and get some documents. I'm not sure that the legislation is going to empower people in that way, because some of this is going to be a little more subtle and not terribly obvious.

**The Chair:** Mr. Jackson.

**Mr. Jackson:** Thank you, Dr. Reesor. Two points: One, you don't really make much reference to the Ontario Human Rights Commission standards. You're aware that the current legislation, the ODA, puts a

positive obligation on the government of Ontario and all its employees, about 80,000 of them, that "the government of Ontario shall accommodate the accessibility needs of its employees in accordance with the Human Rights Code to the extent that the needs relate to their employment." Do you support that clause and its application across the board to other sectors? It has come up quite a few times. Then I have another short question after that.

**Dr. Reesor:** Yes, I do support that. My concern is how that's actually implemented. I mean, we see a lot of examples. The federal government has a great policy, and they've got a mandate and they've got resources to do that. But when push comes to shove and you're trying to get people back in there, it's not always implemented. Again, we run into attitudinal barriers. Some mechanism for really enforcing that, I think, would—

1330

**Mr. Jackson:** I had a meeting with the chief commissioner before this round of public hearings. He was quite convinced that inclusion of this into the legislation would in fact facilitate greater change faster, by virtue of the fact that there is such a disproportionately high number of cases being done today, and in the last decade, with respect to disability issues. He's got case law, and tonnes of it.

The other question I have for you: You raise the issue about access to doctors' offices. I recall I was first introduced to this notion at the Windsor accessibility committee, who said they were auditing every doctor's office so that we could have a record of who in Windsor was an inaccessible doctor. I tried to put this into legislation and got into nothing but difficulty. Do you have specific wording of a regulation that would say that all doctors who receive their doctor's licence as of a certain date cannot move to an inaccessible office? That's the only thing I was playing with that I could come up with, and even then the OMA wasn't too wild about it. I agree with you; this is a serious problem.

**Dr. Reesor:** Yes. One of the things I'm thinking about is—I don't know if there's anything in the health professions review act. I doubt there is—

**Mr. Jackson:** No, there isn't, and I worked on that. Thank you, Doctor.

**The Chair:** Mr. Marchese, two minutes, please.

**Mr. Marchese:** Ken, thank you. You've raised quite a number of things, including the possibility of providing some incentives to private sector individuals. There are some cost implications, obviously, to governments, something that this government possibly might not be able to afford, they might say. But I think that's something that should be looked at, because for many individuals it will present some significant burdens. We haven't talked much about it, but there have been a number of people who have raised that. I think it shouldn't be entirely excluded, and hopefully it will be reviewed somehow. It's clear that we haven't had much debate, and we should.

The other issue is about education. I think education should be more inclusive. It should educate architects. It should educate inspectors or builders. There's a whole range of people who just don't have a clue about these issues. Even if you change the building code, it may not be sufficient, is the other argument as well. And the other is education in the school system, where you start young so that people build an awareness over time. There's so much education that we need to do, and unless we build it in, it just may not happen. Do you think we should somehow build it into the legislation?

**Dr. Reesor:** Definitely. If that's a possibility, I think that should be a consideration.

**The Chair:** Thanks very much for your presentation, sir.

#### SINCLAIR, NICHOLSON AND ASSOCIATES

**The Chair:** We will move to our next presentation, from Sinclair, Nicholson and Associates. While they get ready, I just want to remind everybody that there is ASL interpretation taking place. There is also closed captioning on the screen at the back, and three support service attendants at the back of the room if you need any assistance.

You can start any time, sir.

**Mr. Rick Sinclair:** You had me really worried for a minute there. I thought all the captioning was at the back of the room and I wasn't going to be able to respond to the questions, but I have a little monitor in front of me, so I'm much relieved.

Good afternoon. My name is Rick Sinclair. I'm the senior partner of Sinclair, Nicholson and Associates. We're currently contracted to the Canadian Human Rights Commission as expert advisers on hearing loss in the workplace.

SNA is a consulting partnership that has been involved with hearing loss in a variety of aspects since 1989. I'm appearing before the committee today not on behalf of a client but in the personal aspect of being a deafened businessman.

I'm not going to duplicate the recommendations that were made by the ODA Committee and David Lepofsky. Sufficient to say, I agree with them. I would only wish to emphasize that progress must come, and be seen to come, much sooner than the five-year segments and the 20-year goal. The credibility of this act will depend on that as much as anything else. It is only fair to those who fought so long and hard for it that they live long enough to see some of the results.

Times have changed, from a general perspective. At one time, persons with a disability—and I remember this time—were expected to be cared for by a compassionate society, willingly assuming a somewhat diminished role as a citizen in return for charity in coping with what we could not cope with ourselves.

Today, there's a combination of medical and technological advances, coupled with a change in attitude—not the least on the part of people with disabilities



themselves—that sees more and more people taking on a full role in society, albeit while coping with different strategies than those who are not yet disabled. I say “not yet,” because with the process of age, we all become less abled than we once were. This weather is having a heck of an effect on my knees, for one—aches and pains.

This is good legislation. I commend the government and the Legislature for its progressive views. The act is something that all who have participated in it can be proud of. There are, however, some adjustments and considerations that can be added, in my humble opinion, to make it a little better. So I would like to suggest two points to consider.

One that I felt was the most important was that the standards themselves have a standard. I would suggest that, in the act itself, we need a definition of “standard” for those standards which will appear in the regulations. The best I can think of—and I’m utilizing my advice federally—is a standard of equal outcome. Any system in place within the organization should provide an equal outcome in a less or equal amount of time to a person with a disability as much as those without. This is a test that all standards within the various sectors would have to meet.

My second point is to ensure that when you’re putting together the act, you avoid stereotypes. In my experience, existing systems have been designed with certain stereotypes of the person with a disability in mind. Communications systems might be equipped with a TTY for the deaf or deafened person wishing to avail themselves of the public assistance a government department offers, for example, but there may be no TTY when it comes to selling that same department a computer or a print job or, as in my case, the services of an expert. We just have not learned to see the person with a disability in this fashion. It’s time to put a different perspective on it and make all such systems barrier-free.

There are many things which could be suggested in detail as this process proceeds, but those are, to me, some of the priorities this bill should address. In summary, I suggest you consider this bill an act of self-preservation and craft it as if you, the Legislature and the public service were all deaf, blind or mobility impaired. Because only 10% of people are born with disabilities. Some day, this bill could apply to your own ability to cope with life.

That’s my presentation. I’ll take any questions anybody has.

**The Chair:** Thank you. We have about three minutes for each group, and we’ll start with the opposition.

**Mr. Ouellette:** Thank you very much for your presentation. You mentioned in a couple of accounts the changing society, or rather, aging as well, and in your closing remarks, about our own ability to cope with life. Do you have or do you know of a definition that will take those into account for future consideration—a definition of “disability?”

**Mr. Sinclair:** In terms of a definition of “disability,” I can’t think of a source to quote from, no. I think largely it’s almost becoming defined by the technology that’s

used to resolve it as much as anything. One of the things that we do when we do barrier-removal audits is to assess the procedures that are used by the department and we interchange, where it says telephone or TTY—training has to be captioned or if videos are used, these sorts of things. It’s a step-by-step process going through.

But an overarching definition of “disability,” no, I don’t think I can give you that offhand. It’s the inability to do it without help. That might be the simplest way I can put it.

1340

**The Chair:** Mr. Marchese.

**Mr. Marchese:** Rick, I want to focus on the issue of standards, because you talked about needing a standard for the standards committee. If I understand you correctly, a number of people spoke to this and said that the government ought to define the standard for the standards committee. Do you think that should be the case or do you think the standards committee should set their own standards?

**Mr. Sinclair:** However it’s done, I think it has to meet the test that, if you look at any particular system of delivery of service or product, it is transparent and works for everyone, whether you have a disability or not, on an equal basis in an equal amount of time. That’s the test that you apply to it. I don’t know if it’s important who derives that standard, but that, in the end, is what you need to make it effective, to be able to—you can’t tell if a person who is deaf or mobility-impaired or blind can still use the system with equal facility as a person who is not.

**Mr. Marchese:** Sure. Let me ask you another question related to the standards committees. One group, the Canadian Standards Association, recommends that one overarching standards committee be developed rather than an undetermined number of standards committees. We don’t know how many there are going to be but, presumably, many. So this group says that if there were one overarching standards committee, it would probably be a little more effective, and you could have sub-committees, but one would be better. What do you think?

**Mr. Sinclair:** I can see pros and cons. On the one hand, the technology that really is an alleviation of hearing loss, which is basically a computer server-based TTY delivery system mount—you can use it for up to 30,000 workstations, for example. The amount of expertise on that technology is very small: basically, the company that developed it and a few other people who have worked with that company. I have found it, actually, as something of a drawback, but some clients, in terms of their information technology people, are totally unfamiliar with this and resistant because of that.

On the other hand, a lot of disabled people really don’t know what’s available to them. One of the weaknesses I think we have federally is that the disabled person takes a hand at specifying what he needs but, in many cases, he’s not aware of what’s out there and what’s available. The development in hearing loss technology has been tremendous in the last five years. I work in the field and it’s all I can do to keep up with it, so if somebody is working at

something else, it's a little much to ask him to keep up with it.

**The Chair:** Mr. Ramal.

**Mr. Ramal:** Thank you, Mr. Sinclair, for your presentation. I just want to go back to what we've repeated many times. I know there's a lot of confusion among many people about the 20-year time frame. Twenty years is not the start time; it's the end time of the process. There's going to be a lot of steps in between, so hopefully you can see it as soon as we pass this bill.

The second thing we talk about is the standards. I believe our Bill 118 is going to be the standard from which the standards committee is going to draw their actions relating to establishing committees dealing with disabled people across this province.

Another thing, and my question to you is, you mentioned stereotypes. What do you mean by "stereotype"? Do you mean attitudinal barriers or other things? Can you explain that to us, please?

**Mr. Sinclair:** What I mean by "stereotype" is seeing a disabled person as unemployed, uneducated, uninvolved. At one time, you might have been right. I can remember a day, unfortunately, when that was the case. Education has changed, attitudes have changed. Out of all my friends in the deaf and hard of hearing community, I can think of only one of them who's on welfare, for example, and he's on welfare because he has schizophrenia, not because he's deaf. So the rest are professionals now, but this was not always the case.

I find that, for example, as I said, in the federal system, the accommodations are there if you are using government services—unemployment or whatever—but if you want to do business with the government, no; they just don't see a disabled person and a businessman wearing the same hat. There are not too many of us, but there are some. That's what I meant by stereotype. The disability community itself is moving into the mainstream—not just the accommodation of them—because they want more. They expect more, and rightfully so, "I'm the same as everybody else except that I can't hear well or see well or move well."

**The Chair:** Thank you very much.

RACHELLE HALPENNY

CARL BROUGHTON

**The Chair:** We'll move on to the next presentation, from Rachelle Halpenny and Carl Broughton. Just to remind you that you have a total of 15 minutes, which you can use for your presentation or, if there is some time left, there will be questions. You can start any time you're ready.

**Mrs. Rachelle Halpenny:** We would like to first express our gratitude for being permitted to speak here today. My name is Rachelle Halpenny and my colleague's name is Carl Broughton. I have been disabled with cerebral palsy since birth, and my colleague's wife was diagnosed with muscular dystrophy in 1992 and has

faced a steady deterioration since her diagnosis 13 years ago. She would be attending this public hearing but unfortunately is not able to, due to Clarence-Rockland transportation not being wheelchair-accessible.

Every day is a new challenge for us. We live with continuous discrimination from the private sector and municipal governments, in addition to the lack of action from various levels of government to accessibility issues that are nothing less than fundamental rights given to us by our Constitution. Even though these rights exist, we must continuously fight and listen and accept every excuse possible, most of which are associated with the cost of making a business or service accessible. These same people who claim the cost as being a burden then turn around and spend all kinds of money on pay increases above the cost of living, in addition to increasing all types of services to healthy individuals.

When the Ontarians with Disabilities Act was first created and municipalities were mandated to create accessibility committees, Mr. Broughton and I signed up immediately. Within a few meetings, Mr. Broughton was named president and I vice-president of the Clarence-Rockland accessibility committee. Both Mr. Broughton and I were eventually forced to resign because of an unwillingness by the municipality to comply with the legislation. It was clear that the municipality wanted to control everything the committee did or attempted to do. The accessibility committee became nothing more than a façade, complying with the requirements of the Ontarians with Disabilities Act.

As an example, the municipality of Clarence-Rockland was in the initial stages of planning a public transportation service and refused to have the newly created accessibility committee review the submission or discuss the accessibility needs of this service. They implemented a service they called integrated, which was actually a separate bus service with a multitude of conditions—limited seating, only two spaces for two wheelchairs—that lasted nine days before they cancelled it, claiming that it cost too much. It was poor planning and an unwillingness to have the ODA-legislated accessibility committee involved in the planning.

The message, in our opinion, was clear: "If you're disabled, you're not welcome in Clarence-Rockland, because providing you with services costs too much. It takes time to make changes. We have no demand for these services. We had no complaints in the past. We have no budget for this." Throughout the years, we have heard every possible excuse that politicians can give.

According to Ontario statistics, there should be approximately 1,900 people with disabilities in the area of Prescott-Russell, from the deaf and the blind to quadriplegics, but we have no money to make municipal buildings, properties and services more accessible at this time.

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Another example of the lack of sensitivity by this municipality is when they renewed the old city hall building in Rockland in 2001 and made solely the



basement floor accessible. This multi-floor building cannot even accommodate a wheelchair or scooter on the various floors of the building. These improvements were made by a municipality with no vision or intent to accommodate persons with disabilities.

It's not that Mr. Broughton or I did not have the expertise or adequate background to be part of this committee and to work productively with the municipality. No, Mr. Broughton was an RCMP officer for 26 years, and since his retirement in 2001, has become a manager at PWGSC in the human resources area, in addition to seeing and living with his wife's deterioration because of a debilitating disease. I have lived with my disability all my life and for several years was the barrier-free consultant for the Canada Revenue Agency and the accessibility consultant for World Expo in both Australia and Canada, in addition to receiving multiple awards for my contribution to bringing about a barrier-free environment and workplace. So I believe we are qualified to sit and participate on accessibility committees if the will is there by the organization you serve to make changes. But in our case, the municipality would not accept change or having to consult such a committee in order to conduct their daily business. In addition, we had no support from the provincial level.

This legislation will only be a success if the provincial government starts to strongly support the accessibility committees rather than municipal councils. Some municipalities have been proactive and have done a fantastic job in ensuring their citizens receive equal services and treatment, and other municipalities have been the complete opposite, knowing the government will do little to force them to comply even if re-elected. It's totally disgusting.

Mrs. Broughton and I have fought all our lives for services and equality, and we are fed up with the various levels of governments passing the buck to each other when other industrial countries are millions of miles ahead of us—for example, the United States and Australia. Just once, we would like to go in the front door like everyone else and not be treated differently. Just once, I would like elected officials to understand that no one asked to be disabled. We are taxpayers, voters and consumers, and the Canadian Constitution and international law require that we be treated equally. We are hoping that the ODA will be strengthened in such a fashion as to make accessibility a mandatory feature and not an optional one, within a shorter period of time.

**Mr. Carl Broughton:** In reviewing the present amendments to this legislation, the first thing we noticed was the purpose of the legislation, which indicates under part I:

"1. The purpose of this act is to benefit all Ontarians by,

"(a) developing, implementing and enforcing accessibility standards in order to achieve accessibility for Ontarians with disabilities with respect to goods, services, facilities, occupancy of accommodation, employment, buildings, structures and premises on or before January 1, 2025."

This subsection is fine until we get to the date. In 2025, I will be 77 years old and my wife, who presently needs the private and public sectors to be accessible, will be 75 years old and probably in a special-care facility, requiring 24-hour care. By the time everyone is made to comply, it will be too late to benefit many of the people with disabilities today. Let's not forget any person with a disability who wishes employment in a non-accessible building or municipal office.

Federal and provincial facilities have already taken most of the required steps to ensure full accessibility for visitors and employees and have implemented clear policies on the duty to accommodate. Municipalities, a lower-level government body, rather than follow the lead of the federal and provincial levels, have in many cases taken a wait-and-see attitude to see if they will be forced to comply or if sufficient complaints are filed or, again, if the other levels of government will pick up the tab.

The Canadian and the Ontario human rights commissions handle hundreds of complaints yearly on accessibility issues, which amount to an enormous cost to the taxpayer. It takes several years just to make it through the human rights complaint process. This alone should be an indication that we cannot wait 25 years for change.

Municipalities should be forced to comply by associating provincial and federal subsidies with accessibility requirements. For example, if a municipality applies for infrastructure funding, they must dedicate the equivalent of 10% of the requested funding from their own budget to improve the municipality's access for persons with disabilities. Receiving a portion of the gas tax should be linked to accessibility of services. Municipalities should be given clear and short time frames to comply and make their municipalities fully accessible. The law that provides them the authority to collect municipal taxes should equally require the municipalities to ensure all residents are treated equally, so that people with disabilities, who are also taxpayers, would require equal treatment and access to all facilities and services.

The time period described in the amended act is required to be significantly reduced, in our opinion, to no more than 10 years for municipalities to comply. In the case of the private sector, the incentive of a tax deduction for accessible modifications should be sufficient with the mandatory factors of this act to encourage them to comply within 15 years maximum. Private sector companies such as Burger King, Tim Hortons, Jean Coutu pharmacy, although they've done quite a bit for people with disabilities, when it comes to being fully accessible only comply with 90%, a large disabled parking spot and accessible cement sidewalk. When you get to the door in a wheelchair, there's no automatic door, so no easy access for a person with a disability in a wheelchair or a scooter. My wife has even used the drive-through for vehicles at Tim Hortons in her scooter in order to obtain service.

Health businesses, such as pharmacies, have become in many cases glorified grocery stores, blocking the aisles with all kinds of bins selling various goods, making it

difficult, if not impossible, for a wheelchair to have unimpeded access to medical needs in the pharmacy.

Again, these are a few examples why the private sector and businesses require mandatory and firm deadlines for compliance. A 15-year period is more reasonable and still quite attainable if one wishes to do so.

**Mrs. Halpenny:** Under part IV, subsection 18(1), it indicates that the minister may appoint inspectors for the purposes of this act. We are asking that the minister ensure that employment equity policies are applied and that a certain number of persons with disabilities are hired to do this type of work. There is nothing more frustrating for a person with a disability than to try to explain to a healthy public servant why something is creating a barrier or to have a healthy public servant representing the enforcement of a law that directly impacts people with disabilities appearing to side with an organization because he or she fails to understand clearly the impact of his or her inspection of a facility or the review of a complaint.

Under part V, the director's orders and administrative penalties, subsection 21(3) under "Compliance order, reporting requirements" states that "if a director concludes that a person or organization has contravened sections 14 or 17 the director may...." We take exception to the word "may." The director in this case has concluded that a contravention has taken place, and the word "may" should be replaced with the word "shall." To give a choice to the director is to open up this position to ethical dangers of being influenced not to act on a contravention based on the organization impacted. The word "may" is used several more times under subsections 21(4), (5) and (6). Again, it provides too much open flexibility to the director. We have established a clear, documented contravention. Then, if we are serious about achieving our goals, the message we send to various organizations should be that this law will be strongly enforced and not only enforced if one individual decides it "may" be in certain circumstances and not in others.

Under part VII, municipal accessibility advisory committees, subsection (5), the council "shall" seek advice. This is no different than the original act, and the municipality of Clarence-Rockland totally ignored this section. It is suggested that it be written so that no action can be taken in clauses (a), (b) and (c) unless the accessibility committee has seen the required documentation, has commented and no less than three accessibility committee members have signed a document containing their recommended advice. The three members signing should all be persons with disabilities. In addition, it should be the responsibility of the accessibility committee to file with the director monthly reports, if need be, for non-compliance by their municipality and that a penalty for non-compliance be imposed or that the director send a representative to the municipality to ensure compliance.

This can only work if some municipalities are forced to comply. Let's not forget that accessibility committees are volunteers who may want to help improve the accessibility of their cities for all residents. Let's make sure

they receive strong provincial support and legislation so that they can do their job or else they are nothing more than a façade to weak legislation.

The establishment by the minister of standards development committees is just as important as the naming of inspectors. We must ensure that these committees have equal representation of persons with disabilities versus healthy individuals to make well-structured standards

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**The Chair:** Madam, you're already on the 16th minute, if you could sum up.

**Mrs. Halpenny:** OK. It is also suggested that the persons with disabilities, when possible, be individuals with various disabilities. It is strongly recommended to avoid having individuals who represent persons-with-disabilities organizations unless they are themselves persons with disabilities. Although these persons mean well and understand various issues involving the needs of persons with disabilities, they don't actually live the experience of going into a non-accessible facility, wash-room, sidewalk etc.

**The Chair:** Thanks very much. There is no time for questions. We thank you for your presentation. We have also the written material. Thank you.

#### PENNY LECLAIR

**The Chair:** The next presenter will be Penny Leclair. We will have a minute until Madam Leclair gets ready. So let me just remind all of us that we have in the room ASL sign language interpretation until 6 today and that we also have closed captioning on the screen. There are three people supporting us, if anybody needs any help. They are standing at the back of the room. The broadcasting of this session will take place on the parliamentary channel on Thursday, February 10. There are 15 minutes for anyone making a presentation. If there is any time left, we allow members to ask questions. We thank you for respecting the time, in particular.

Good afternoon again, ladies. Whenever you're ready, please.

**Ms. Penny Leclair (Interpretation):** Now that I know who I'm speaking to, thank you for waiting so that I could see whom I was approaching.

I thank you for this opportunity. It is a rare experience that a deaf-blind person could approach and speak to so many elected politicians and people who are in a place to do something significant not only for this province, but for all of Canada. Why? Because the world is moving more toward accessibility. Even in the United Nations, there has been a draft disability treaty, and it's going to set out some of the very things we're talking about here today on a worldwide scale. So Ontario is with it in more than one way.

I'm a person who believes in access for everyone, not just for myself. I've worked in the committee in the community of Ottawa, trying to do what I can to educate people. Not many people give me the benefit for being able to problem-solve, for being able to motivate people.



Very few people would see me as someone who plans, and almost nobody would expect me to give a speech. So with very low expectations, it makes it very difficult to convince people that I have something to give. Even when I do have something to give and some people recognize it, I run into barriers, because I can't get the access, which is the intervention services I receive.

Even in the city of Ottawa, I have been restricted from participating in a subcommittee simply because an expense policy is being used for the guidelines that there's no money for access, even though people on the advisory committee would like me to participate. Because they form a subcommittee, the expenses wouldn't be paid. So my access is being compared to that of a parking ticket or babysitting. How does that make me feel? Well, we won't talk about how I feel about it, but it's not very pleasant.

So people know. Two councillors have said to me, "Penny, take it to the Ontario Human Rights Commission, because then they will come back and tell us what we have to do." So, you see, they know, but they're not going to make any policy changes, and it's the kind of attitude that needs to change. It isn't just education, it's attitude. That's why this bill has to have some enforcement within it. Even when you have a report to write—we've all had reports to write. You wait till the minute. You don't do it right away.

I look at 20 years and wonder how many people are going to wait 20 years to start moving. I don't see what's going to happen five years from now and I don't see timelines that would give me that. I will be 73 years old at the end of 20 years and I'm not sure what I'm going to see with the way this bill is laid out. So that's something to consider.

Some of the barriers that I do have are things like Web sites. The government has had the standards and they've done an excellent job in implementing those standards, but nobody else is doing it. By "nobody," I mean businesses won't do it. And it's not that expensive; it really isn't.

I've approached Loblaw's stores because that's where I want to shop. I can't read the flyers. I can't save money because I don't know what to ask someone to help me buy, so I can't save money. I approached them. I know they have flyers in electronic format. It's on their Web site but the Web site is not accessible. I asked them, "Would you e-mail me the flyer so I could read it?" They said, "We are researching that," and that was a year ago. I could take that to the Human Rights Commission too. My recourse is the Human Rights Commission. How would you like to have to go to the Human Rights Commission if you wanted to read a flyer? But that's what happens to me. That's my life experience.

I've only given you two examples. I could sit here all afternoon and we could talk about things Penny can't access, and not just Penny. It is everybody in this community who is being treated like we don't count, and we do count. I respect you and each one of your positions

regardless of what you believe and I ask you to respect me. I ask you to make a bill that has enforcement.

You all are elected politicians. How many of you have a Web site I could read? How many of you make your information available, and would you wait for someone to tell you you had to? Will you be doing that 20 years from now, or maybe you'll do it tomorrow? Voilà.

Business cards: How many of you have got business cards you could give me in Braille? Do you care? Is it worth 20% more money to you to have your business card in Braille? That's about all it would cost, but some people would look at that and say, "Forget it. It's just not worth it."

Thank you very much for listening to me. I hope I said something that you can take away with you that means something and makes your job a lot easier, because you've got a tough job to do, but it's an important one. I would like to thank you each for the time you've taken in trying to do it and for listening to me.

**The Chair:** Thank you. We have just under nine minutes, three minutes each. Mr. Marchese, please.

**Mr. Marchese:** Thank you, Penny. It's good to hear the personal story because everything is always a struggle with some sectors, and with people with disabilities it's particularly so. You mentioned two instances, or at least one where you wanted to be a member of the subcommittee and because there were cost implications you just couldn't be part of it, so you're told, "Go to the Human Rights Commission." Every problem that a person with disabilities has has to be taken to the Human Rights Commission.

Even if the law gives you certain rights, when they're denied, you have to go to the Human Rights Commission. It takes a great deal of time, strength of person and resources to be able to go through that process, that might take anywhere from six months to three years. It's not right. That's why I agree with you when you speak about enforcement. This bill does not put in place adequate or proper enforcement that will make it possible for people with disabilities not to have to run to the Human Rights Commission every time. I think we need to include them.

**Ms. Leclair (Interpretation):** The Human Rights Commission could be a way of leading where you start with standards, because much of the things that happen happen again and again. It's on a one-to-one basis; those companies don't have to change for the next person. That's the problem. We see the same things time and time again—"OK, we'll give it to you, but we won't give it to the next person"—because there's no enforcement behind it.

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If you looked at what the Human Rights Commission often sees, that would give you a really good way to know where to begin your standards. We can't focus on them all, and some standards should be enforceable and maybe some not. Politics is involved. You can't enforce everything, but you have to start somewhere to get people moving.

Personally, when I think that I have to take the city of Ottawa to the Human Rights Commission, I feel terrible. I shouldn't, because they're treating me like shit, but I feel terrible that I have to do that personally. Why should I have to have that kind of discomfort just to prove a point?

**The Chair:** Mr. Parsons.

**Mr. Parsons:** Penny, do I remember rightly that you presented to the committee when we were doing the hearings on the current ODA bill?

**Ms. Leclair (Interpretation):** I've written a presentation on some aspects of this bill. I've worked with the Ontarians with Disabilities Act very closely. I've exchanged e-mails with the top people involved on the Ontarians with Disabilities Act Committee, so anything they have in there, I've been a big part of, and I support it. I've read the bill in its entirety, with some special software, so yes, I've read it. I'm not a lawyer; I just know the reality of my life and some of the ways it could be improved. I also think that disabled people should be 40% of any standards committee, and I don't mean representatives like CNIB to speak for me; I mean myself. I am deaf-blind. I know more about how you can solve my problems than anybody else does, so don't let someone else speak for me, please. Maybe I don't always have to be involved, but I've got real solutions. They're practical, because my life is practical, and I wouldn't give you an impractical solution and expect you to deal with it.

**Mr. Parsons:** The bill provides for phasing in, and you've emphasized the number of things that have to change. From your personal life, what would be your highest priority? Is it interactions with the government? Is it employment? Is it accommodation? Is it dealing with stores? What would you prioritize as the highest?

**Ms. Leclair (Interpretation):** In my life, I would like to see respect for my abilities to communicate, that no barrier would prevent me from communicating, and it should be an enforceable thing because everybody should be able to communicate. It's very basic to human rights. An expenses policy should never be the reason you wouldn't give me access. Yes, you've got a budget, but maybe I could go to half the meetings instead of none of them. I mean, come on, give a bit.

**The Chair:** Mr. Ouellette.

**Mr. Ouellette:** Thank you very much for your presentation. You've actually opened some new areas that I had not considered before. Do you believe that as a result of passing this bill, you will actually be able to read a Loblaw's flyer?

**Ms. Leclair (Interpretation):** As I said, it really becomes about communication. If more people would take on what the government's done and make their Web sites accessible, I would be able to read everything that you could read on a computer. That's opening millions of doors to me, not just one, but right now there are so few places I can go and do things. So, it's communication and being able to use a Web site; that's employment of somebody in the community doing that and it isn't a huge

expense, not when it's done in the beginning, not when it's planned correctly and you have the people involved. I see this bill as doing that, as long as somebody puts some timelines in it and says, "All the government standards: We've done it; we have people that can help you; we can show you how to do it because we've got people. We can assist disabled people," and make that within five years. Then everybody would go, "Oh, my God, if you told me today that five years from now I could read everything you could read on the computer, I wouldn't believe you," but it would happen if it were enforceable. It would be a real thing in a person's life. Thank you.

**The Chair:** Thank you very much for your presentation.

#### AUTISM SOCIETY OF ONTARIO, OTTAWA CHAPTER

**The Chair:** The next presentation will be from the Autism Society of Ontario, the Ottawa chapter, Roger Greenberg, please. Mr. Greenberg, you will have 15 minutes total. If there is any time left, the membership will be able to ask questions of you.

**Mr. Roger Greenberg:** My associate here will be taking one minute at the end. I have a copy of his presentation here as well, which I can give to the clerk.

Before I start, I would like to take a moment to thank the committee members for coming to our fair city to seek out the views of members of the Ottawa area. It's gratifying to us that you're going around the entire province to seek the views of citizens throughout the province. It's a very important piece of legislation, and it's gratifying to citizens of Ottawa that you've come here to take the day to hear from us.

My name is Roger Greenberg. I am the president and CEO of Minto, a family-owned real estate company with over 1,000 employees. We operate in Toronto and Ottawa. We are the largest new-home family builder in the Ottawa area. We are also the largest private-sector property manager in Ottawa, with some 23,000 homes that we manage throughout Ontario and a couple of million square feet of commercial space. I recognize that there are expectations being placed on businesses with respect to the legislation.

But I'm not here today in that capacity. I'm also the father of an 11-year-old disabled child. My son Jamie was born with cerebral palsy a number of years ago, and about three years ago he was also diagnosed with autism. So I've become very involved in the disabled world, seeing life through his eyes and dealing with the difficulties he faces every day. I am a member of the leadership council of the Ottawa chapter of the Autism Society of Ontario, and it's in that regard that I'm here to focus on what it is that the government can and should be doing, as opposed to what private sector businesses can be doing.

I know you've had presentations from three or four of my colleagues in other cities. I'm hopeful that I won't bore you with exactly the same presentation, but we are



supposed to operate within a certain parameter of trying to give the message of the society. You have a presentation, which I've modified to meet the circumstances for those of us in Ottawa. I'm just going to jump right over to page 7 of the presentation to try to share with you from a personal perspective some of the barriers that people with ASD face.

Regardless of their level of disability—and it is very wide—people who have ASD face significant barriers to participating in the mainstream of Ontario life. Many people with ASD also have additional physical, medical or psychiatric conditions. My child is only one such example. Things that many people take for granted remain elusive for those with ASD, such as education, employment, leisure activities and community participation, supported or independent housing, and fair access to services.

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It is the view of the Autism Society of Ontario that much of the current legislation, including the proposed bill, does not adequately meet the needs of people with ASD. The question we ask is, how will the AODA make a meaningful difference in the lives of people with ASD? The AODA overwhelmingly addresses barriers in terms of physical barriers, and I don't mean to diminish that for those who have those difficulties, but unfortunately there's little emphasis on the types of attitudinal barriers and policy barriers that significantly constrict the lives of people with ASD.

In order to make Ontario a barrier-free place for persons with ASD, changes need to be made in government policy in five areas: housing, day programs, the Ontario disability support plan, education and fair access to services, such as the preschool intervention program for children with autism. I'll touch very briefly on each of those five.

**Housing:** You've heard that, historically, children with autism were institutionalized at some point in their childhood. I can't imagine that in today's society. I can't imagine having my son live in an institution. Thankfully, that no longer takes place. But as our children grow older, having them live at home becomes an increasingly difficult task for us. The majority of adults with ASD are not able to live at home but are also not able to live independently. With the closing of the Rideau Regional Centre in Smiths Falls shortly, many individuals with severe ASD are going to be put into a community without adequate supports.

Many adults with ASD continue to require a high level of assistance with basic activities of daily living such as dressing and personal hygiene. In Ottawa, the only ASD-specific group homes, operated by Ottawa Valley Autistic Homes, were disbanded by the Ontario government in August 2003.

The lack of social supports is a significant barrier to community living for individuals who are cognitively more able but who experience difficulties with social understanding.

If the goal of the AODA is to encourage meaningful participation of people with disabilities in the community, then it must address government policies that fail to provide for adequate residential/housing services. It also must recognize that appropriate housing and residential services for adults with ASD are essential.

**Day programs:** What happens when children graduate from high school? Those with ASD are stuck at home, with limited financial support and limited availability of trained workers. Government policies must not fail to provide adequate funding for community support agencies. Unfortunately, the reality today is that existing programs have waiting lists of several years and many of the agencies that do provide services only do so for clients who are also receiving their residential services.

The Ontario disability support program has not changed its level of financial support for almost 10 years. This lack of increase has increased financial hardship for persons dependent on this funding and has created barriers to participation in community activities for people with ASD.

Adults with Asperger's syndrome face unique challenges to employment. The Ottawa chapter recently held a workshop, and we were overwhelmed with the response from adults with ASD. Over 130 people came. The overwhelming opinion was that even with adequate skills, securing and maintaining employment remains a challenge for these individuals.

The AODA could work to alleviate these problems by helping companies understand invisible disabilities. People with ASD would also benefit from programs that help them understand their rights in terms of employment and discrimination and that include job interview assistance and job coaching.

In the field of education, many ASD children face barriers accessing appropriate specialized educational programs. In a recent ASO Ottawa chapter education survey, almost half the parents surveyed had been unofficially asked to keep their children home from school on at least one occasion because supports were not available. There are many Ottawa-area ASD students who are being home-schooled because there is not an appropriate placement available for them in the school system. That's what we did for my own son a couple of years ago, started him on ABA program. I'm in the fortunate position where I'm able to afford a full-time ABA instructor, but most people can't afford the \$60,000 to \$70,000 all-in annual cost.

To remove barriers for students with ASD within the education system, the AODA must require that school boards and governments address barriers that prevent access to appropriate education, such as inadequate resources, insufficient program options, lack of professional expertise or inadequate funding.

**Fair access to services:** The rights of individuals with ASD to fair access to treatment and support programs must also be recognized. Right now, there's a one- to one-and-a-half-year wait for access to the preschool intervention program for children with autism, and many

children may become ineligible for the program while on the waiting list because of the age six cut-off. My colleague is going to be addressing that point at the end.

So what is needed? In order to recognize the barriers to individuals with developmental disabilities like ASD, such as those outlined here, the AODA legislation must address the following issues:

The current wording of the legislation is weak in compelling governments to provide access for people with non-physical disabilities to the services they require. The act requires greater detail and clarity to ensure that the needs of those with non-physical disabilities are addressed. This requires a proactive commitment to address all barriers fully.

In order to fairly address the needs of those with ASD, the terms "accessibility" and "services" must be clearly defined to recognize that access to education, housing, employment programs and government services in the community is not only limited by physical barriers.

In order for the legislation to be meaningful, there must be a formal complaints process established. There is no independent review mechanism currently permitting persons with disabilities to complain about failures to comply with the AODA.

Finally, the Ontario government, as the provider of many services for the disabled, must require in the AODA its own compliance with the act. Section 40(1)(r) of the AODA allows the government, by regulation, to exempt itself and other organizations from compliance. This opting-out provision should be removed.

To sum up, the AODA is a good step in strengthening the rights of the disabled. However, in order for those with disabilities to have full and equal access to the community, both federal and provincial governments must go a step further and enshrine disability rights with strong legislation such as we see south of the border with the Americans with Disabilities Act and the Individuals with Disabilities Education Act. There is much we can learn from our American friends in this regard.

**The Chair:** Mr. Bortolotti, you will have four minutes left for your presentation.

**Mr. Joshua Bortolotti:** Members of the standing committee on social policy, my name is Joshua Bortolotti. I'm 11 years old and a grade 6 student at Osgoode Public Elementary School. I'm here today to tell you about my little sister, Sophia. My little sister is brilliant, she's beautiful and she has autism. She is three and a half years old and she has been on the waiting list for services for intensive behaviour intervention—IBI—therapy treatment based on the principles of applied behaviour analysis—ABA—for one year and one month. She could wait another year or two for this therapy, and then be cut off on her sixth birthday. She needs this service, and so do many other children, so Bill 118 needs to protect her.

I'm doing everything in my power to bring attention and understanding to the autism crisis in this country. One out of every 195 kids born in Canada has an autism spectrum disorder. My sister can spell complicated words

and she taught herself how to count backwards. I can only imagine what she'll be able to do once she has the services of ABA therapy. I hope that the law will make sure she has access to education to help her succeed as an independent adult.

Until then, I will speak for her, and for the other children with autism that don't have a big brother to look out for them. Thank you.

**The Chair:** Thank you very much for your presentation. There is a couple of minutes left for questions. From the government side, Mr. Fonseca. Less than a minute, please.

**Mr. Fonseca:** Joshua, a great presentation, advocating on behalf of your sister, and Mr. Greenberg, thank you for presenting here today. We are moving as quickly as possible on so many fronts. Yes, for 10 years there was no increase to ODSP. We increased it by 3%. The previous government didn't invest much in social policies. In terms of the autism file, we've gone from \$20 million to \$40 million, and we are committed to \$100 million by the year 2006-07.

What we want to do with this AODA is set standards so that those standards are across the province and so that this legislation has teeth. The previous legislation that the previous government moved forward had no teeth. Nothing was done. People did not comply, and they never proclaimed that there would be any penalties to those who did not comply.

**The Chair:** Mr. Baird, you're next.

**Mr. John R. Baird (Nepean-Carleton):** Thank you very much. I'll invite Mr. Fonseca to look at the quarter-of-a-billion-dollar investment that the previous government made annually, increased, to people with developmental disabilities. You can talk to any association for community living right around the province, and they'll tell you that. They'll also tell you that on my first day on the job as Minister of Community and Social Services, we weren't spending a dime helping people with autism in the preschool phase. We put in \$20 million my first year and got it up to \$40 million in my third. So he may want to check the record. You can talk to any association for community living right around the province.

**1430**

I do want to thank both of you for coming forward. I do think that with respect to the act, we've got to remember and keep in mind that people with intellectual handicaps and intellectual disabilities are incredibly important and this issue is something that too often is not top of mind, and I think must be.

Thank you, Joshua. Joshua also made a presentation yesterday to the regional director of the Ministry of Children and Youth Services, who was very generous and gave about a half an hour of her time to talk to Joshua about this case, so thank you very much.

**The Chair:** Mr. Marchese.

**Mr. Marchese:** Roger, I thank you for speaking on a number of areas. Your opposition to exemptions is important because you haven't been the only one. But there is that exemption clause that could exempt government



itself from having to abide by the rules, or any other organization. We think it's wrong and it shouldn't be there. You talked about having an independent review mechanism. It's critical. It's not here. Something needs to be in place to deal with that. As well, there were your other comments that dealt with issues of housing that are beyond the scope of this bill: day programs, education and the Ontario disability support program. It's critical that in order to deal with disability, we need to tackle those. I hope you will continue to put pressure on any government—but at the moment, it's the Liberals—in order to be able to get the services that we need.

Joshua, you're very strong in defending your sister in the problems that she's facing. I hope that you and others will be able to convince the government that we need to be able to put more money past age six, so that when your sister Sophia gets there, she'll have continued service after that. So don't stop your lobbying.

**The Chair:** Thank you very much for your presentation. That is all the time we have. Thank you for coming.

#### DISABLED PERSONS COMMUNITY RESOURCES

**The Chair:** the next presentation will be from the Disabled Persons Community Resources. Sir, you can start any time. Of course, you have 15 minutes.

**Mr. Terry Gilhen:** Welcome to Ottawa. I would like to begin by thanking you for giving us this opportunity to speak to you today. I'd also like to give my regrets from our board president, Dr. Tamra Moreton, who intended to be with me today but, unfortunately, at the last moment, wasn't able to be here.

We are pleased with the direction and major thrust of Bill 118. In our view, it represents a significant improvement over the current Ontarians with Disabilities Act. It is evident that the government is committed to an Ontario where people with disabilities are able to contribute to, participate in and benefit equally from the quality of life available in the province. It is further apparent that the government values the engagement of Ontarians.

Before talking specifics, and perhaps to give you some context and the perspective of where I'm coming from, I'd like to take the opportunity to tell you about the agency we represent. Disabled Persons Community Resources, or DPCR, is a non-profit organization that has been part of the Ottawa community since 1957; that's almost 50 years. We work with people who have disabilities, their families and other service providers. Our agency is dedicated to ensuring the independence, participation and integration of people with physical disabilities in the Ottawa area through the delivery of our services and programs, and we envision a dynamic, inclusive and accessible community in which people with disabilities are able to exercise the same rights, choices and responsibilities as other Canadians.

Specifically, DPCR provides information about community resources and specialized programs and services;

identifies unmet needs and gaps in service and advocates for programs to meet those needs; encourages the public and decision-makers to become informed about the issues and needs of people with physical disabilities; promotes accessibility of buildings, facilities and services; provides attendant care services in community environments; and offers leadership in mobilizing the community to develop and implement community solutions. DPCR is funded by the Ontario Ministry of Health and Long-Term Care and the United Way/Centraide Ottawa.

As stated earlier, I welcome this opportunity to submit a number of suggestions that we believe will enhance the new legislation as it is currently drafted. Let me elaborate. In our view, it is absolutely essential that the legislation be infinitely clear about which individuals or organizations are implicated, what is expected of these individuals or organizations, the timeframes and the repercussions of non-compliance.

On the issue of application, we believe that the inclusion of the private sector is a huge step forward. The business community plays a significant role in the quality of life for Ontarians, both as providers of goods and services and as builders or owners of the physical environment in which these are made available.

We have a concern, however, that the phrase, "to which an accessibility standard applies," currently included in section 4, potentially creates some ambiguity in the application of the legislation. In the interest of clarity and to avoid the creation of potential loopholes, we recommend that this phrase be dropped from section 4 and, respectfully suggest that the text simply read, "This act applies to every person or organization in the public and private sectors of the province of Ontario."

Still on the issue of application, while subsection 6(3) more precisely categorizes the people or organizations that may have accessibility standards applied to them, in our view the list is not sufficiently inclusive. We contend that those individuals or organizations that are engaged in the design or construction of buildings, roads, sidewalks etc., or in the design and manufacture of products for sale or use by the general public, should also be governed by accessibility standards.

Automated banking machines, public telephones, and food and beverage vending machines are only a few of the products that continue to be manufactured and put in use despite having serious design flaws that render them unusable by individuals living with disabilities. Control buttons, screens and coin slots are often unreachable for people using a wheelchair or cannot be manipulated by individuals with insufficient strength or dexterity. In fact, recent innovations such as the self-serve parking attendants now prevalent in many parking facilities are another excellent example of this type of barrier.

We are very pleased to see the emphasis that the new legislation puts on the development of accessibility standards. There is no doubt that the absence of standards has been a major stumbling block on the road toward an accessible Ontario. Development of a comprehensive range of standards covering public services and the

physical environment, including residential, commercial, academic and government buildings and outdoor spaces, sidewalks, roads etc., is absolutely essential.

Substantial work has already been done by a variety of organizations, universities, municipalities and school boards among them to develop accessibility standards. Unfortunately, in many instances this work has progressed in an uncoordinated and disconnected fashion. We recommend that the newly created standards development committees make use of this work, which represents a substantial foundation for the creation of province-wide standards.

The full participation of individuals living with disabilities in the process of developing standards and monitoring progress toward the ultimate goal of a fully accessible province is essential. The new legislation recognizes this point; however, it does not specifically make reference to the provision of supports that allow individuals to participate. Travel costs and specific needs such as attendant care often inhibit individuals from participating.

We are concerned that many individuals will be unable to engage in the process unless support is provided. Failure to provide this needed support would in itself constitute an accessibility barrier. We therefore recommend that the government ensure adequate enabling support is provided.

The fact that the legislation allows for the appointment of inspectors and includes the application of penalties for non-compliance gives a clear message that the government is committed to ensuring that Ontario becomes truly accessible. While we are pleased to see the new act given some weight, we also encourage a conciliatory approach. We believe that for the most part, slow progress, particularly in the private sector, is due more to lack of information, expertise and innocent ignorance rather than a lack of good will or a deliberate refusal to accommodate individuals living with a disability. Therefore, we suggest that resources both in the form of expertise as well as of financial grants should be made available to assist small businesses in particular.

One last point we would like to make is the need to ensure that accessibility standards developed as a result of this act reflect the spirit of the Canadian Human Rights Code. We believe the Human Rights Code should always take precedence over any other legislation or standard developed for the purpose of addressing accessibility barriers.

Once again, thank you for allowing us this opportunity to speak to you on this very important matter.

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**The Chair:** There is about a minute and a half each left for questioning. Mr. Jackson.

**Mr. Jackson:** First of all, thank you for your brief. Are you aware that two sections involving linkage to the Ontario Human Rights Code are being deleted from the ODA in this new bill?

**Mr. Gilhen:** I wasn't specifically aware of that, no.

**Mr. Jackson:** In the current ODA, the provincial government is required under law, subject to penalty, if it does not provide employment protection and services for persons with disability who are working for the Ontario government, and by extension who apply for jobs—they have the duty to accommodate. The standard test in the legislation is the standard set by the Human Rights Code. That's in the legislation right now and is going to be removed. Do you not think that that should apply to the hospital sector, the school board sector, the public sector at large and the private sector?

**Mr. Gilhen:** Yes. I would be concerned about that.

**Mr. Jackson:** Thank you very much.

**The Chair:** Mr. Marchese.

**Mr. Marchese:** Terry, just one quick question. At the moment the law is not obeyed, it doesn't matter, and there's so little enforcement that it's flaunted. So when you say that we need a more conciliatory approach, this bill couldn't be more than that, because at the moment the government says through the bill that you don't have to hire inspectors—you may—and that you don't have to have a director review those accessibility plans—he or she may. There's no tribunal that's set that can review these things. It's not set, so it might not be. So the law, as it is, isn't working, and people have to go through all sorts of hoops to be able to get justice done. And this new law has little enforcement. You understand, voluntarism doesn't work in this sector. If you don't push people to do things, they just don't do them. Don't you think we should be strengthening our enforcement mechanisms rather than weakening them?

**Mr. Gilhen:** I wasn't suggesting that the enforcement mechanisms be weakened. In fact, I made the point that I believe that the new law carries sufficiently more weight than the former one did. But I'm calling for recognition of the fact that, particularly within the small business sector, they're going to need a little bit of help.

**Mr. Marchese:** I understand that, and I wanted to make a separate point, because I think a case can be made that some individuals might need help. The government needs to introduce some measures to be of help, and they haven't talked about that.

The other point is the fact that there is no enforcement built into this bill. That worries me and it worries a whole lot of other people in this sector. I thought it would worry you as well.

**Mr. Gilhen:** Certainly I agree with you that a voluntary approach hasn't worked particularly well, but I also believe that there's a considerable lack of information out there that's at play and a reason for a lot of it.

**Mr. Marchese:** So if they have the information, they'll do it?

**Mr. Gilhen:** Expect information expertise.

**The Chair:** Ms. Wynne.

**Ms. Wynne:** Thank you for coming today and thanks for your presentation. I just wanted to make a point first, that as this bill comes into place, the changes that were made as a consequence of Bill 125 and sections of that bill that have not been replaced yet by the new bill will



stay in force. So I think that's something that needs to be clear.

The question I wanted to ask you is—you're basically saying to us, "Don't reinvent the wheel." You're saying that the work that has been done needs to be built upon. What I'd like to know is, what's the consistency already across those sectors, across the school boards, the municipalities? Those plans that have been put in place and haven't necessarily been implemented, the work that's been done: Do you have any way of assessing what the consistency is across the province?

**Mr. Gilhen:** I would see that as a benefit of having that committee in place, whichever model is chosen, whether it's one standards committee or several. I'm aware that a lot of work has been done because I'm in currently in the business of doing accessibility audits myself, so I'm constantly looking for standards when I don't find them in place. I'm finding, in doing that, that there have been pockets across the province where a lot of people have been looking at accessibility barriers and trying to develop standards. It's happening within the university campuses.

**Ms. Wynne:** OK, I hear that. But do you think there is the ability, because of the work that's been done, for some agreement to be found pretty quickly on some of these issues?

**Mr. Gilhen:** I think so and I think that would give us a considerable head start on it. We're not starting from scratch here.

**Ms. Wynne:** That is our hope. Thank you.

**The Chair:** Thank you very much for your presentation, sir.

### OPERATION FAIR PLAY

**The Chair:** The next presentation will be Operation Fair Play, Robert Hammond. You can start any time you're ready, sir.

**Mr. Robert Hammond:** Good afternoon. My name is Robert Hammond. This is Ann Kindervater.

Operation Fair Play is an independent committee of individuals which has as its objective improvement of government assistance for amputees in Ontario. Our committee is small and lacks resources, but our message is important. Our focus is funding for prostheses for individuals through the assistive devices program.

We are not here to speak specifically with respect to the provisions in Bill 118. Rather, we want to try to give you a simple and direct message as to what is wrong currently and what needs to be done. We are asking you to listen carefully to this message and apply it when you consider the provisions of this bill and report back to the Legislature.

What is wrong with current funding? Simply put, there is not enough funding in the existing assistive devices program to cover the costs of appropriate prosthetic devices for amputees. We see two broad aspects to this problem. First, the funding is established on the basis of obsolete technologies which do not reflect the tremen-

dous advances in the past 15 years in terms of function, safety and comfort. Second, the funding is arbitrary and takes no account of individual needs or allowance for different levels of functionality.

That's what we see as being wrong. What do we see as needing to be done?

Number one, the ministry must listen to and apply the information available to the ministry from Ontario's amputees and from Ontario's prostheticists. I recognize that what is happening here today is part of that answer, but I am also advised that the prostheticists of Ontario, through their association, have had extreme difficulty in having their information, which would be very helpful, heard, and the person who is sitting beside me has never previously, as far as I know, been given an opportunity to be heard in respect of the specific nature of the problems she has.

Secondly, a funding system must be created which is flexible enough to meet changing costs and needs. I'm told that this is an area in which there has been tremendous advancement in terms of what is available for people. Obviously the costs have followed the advancement, but the funding has not. So there are many, many people, including this person, who are working with antiquated equipment which does not allow them to be functional in society.

Our simple message is, I feel, best illustrated by describing the circumstances of one Ontario amputee, Ann Kindervater. Ann lives in Brockville, Ontario. She is 55 years of age and since age 18 has been an amputee. She is missing the lower half of one leg.

In 1967, Ann was a healthy 18-year-old in the last year of high school. As the result of an automobile accident caused by another person, Ann suffered injuries which resulted in the amputation of the lower half of her leg. The responsible driver had no insurance and no assets. He was found guilty of failing to stop at a stop sign and was given a \$70 fine. Ann missed her high school graduation as a result of the accident. More importantly, she was unable to enter a nursing program at St. Mary's Hospital in Montreal, which she was supposed to have started a week after that accident date. She had been looking forward to that for years. A year later, Ann tried to start the nursing course but was unable to handle the physical exertion of getting to and fro from the classes. She was never able to take the nursing program.

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Before her marriage, Ann's father paid for her prostheses. He refused help from War Amps because he felt that other families needed their help more than his family. Ann married Carl Kindervater, a policeman with the Prescott municipal force. Until 1997, when Sergeant Kindervater retired, Ann was able to access some financial assistance for her prostheses through her husband's employment benefits. That assistance stopped with his retirement. Sergeant Kindervater died in 2001.

Ann is now living alone in Brockville. Her three daughters are all adults living in other places. Ann lives with a constant fear of falling or going out in inclement

weather, together with the other physical challenges from her condition. She has found it difficult to pursue further education or employment. She has not worked since the mid-1990s. Her income consists of the survivor's pension relating to her late husband's employment, together with the survivor's benefit relating to her husband's Canada pension plan entitlements. She really has no prospect for any further income, and therefore no prospect for being able to afford what she needs in terms of a device.

Ann cannot stand for any length of time or be involved in any activity involving much mobility. Unfortunately, she is also a diabetic and suffers from peripheral vascular issues, some of which relate to problems with the prosthesis. She is in remission from breast cancer.

She is the owner of a modest home, against which there is a small mortgage. She has the usual medical costs relating to the conditions which she has. She has no medical or prescription coverage other than through OHIP.

Ann does not fit into one of the categories of Ontario amputees who get assistance beyond that of the basic assistive devices program toward the cost of a prosthesis. She and many others in similar circumstances have fallen through the cracks. Every three years, she faces the impossible problem of being able to afford a prosthesis which will meet her needs. These devices last about three years. She has to choose between a reduction in mobility or increasing the mortgage on her home. She has had to ask War Amps for assistance, but even with their generous help, her prosthetist has essentially been subsidizing her needs for a number of years. That's really difficult for Ann Kindervater. She's as proud as the rest of us, and that's very difficult for her. Meanwhile, as her prosthetist says, to use a vehicular analogy, she is "riding a rusty Lada." She is using a device which provides much less safety than is available. Like many others in her circumstances, she is in constant fear of falling and avoids leaving home except in good weather.

With even a modest improvement—I'm told that this isn't exactly accurate, but I'm going to suggest to you that, relatively speaking, with even modest improvements in government funding, Ann's prosthetist believes that her mobility and sense of safety could be greatly improved. I'll tell you what I mean by that. I'm told that up until about five years ago, the entire provincial budget for the assistive devices program was about \$10 million. We don't know what it is at this point; the information will not be provided by the ministry. But I would suggest to this group of people that doubling, even tripling, that number would constitute a drop in the bucket in terms of the provincial budget. If such an improvement could be made, it would vastly improve the lot of people like Ann.

Ann's circumstances illustrate what is wrong with the present funding system. The level of funding does not match the cost of the current technology. The funding is arbitrary because it does not account for the needs of people who do not qualify for other sources of funding, and because it does not take into account individual needs or different levels of functionality. The result is

that people like Ann, who would otherwise be useful and contributing citizens, are forced into a situation of dependency.

When you are making your recommendations to the ministry with respect to this bill, please ask yourselves whether the provisions will improve the quality of life of people like Ann Kindervater. These are people who want to be productive. More money into this area will have positive results not only for the direct recipients, but for the economy as a whole.

Thank you very much.

**The Chair:** There's about two minutes left. We'll do one minute each. Mr. Marchese?

**Mr. Marchese:** Thank you both for reminding us about these problems. There are some political parties—at least one federally, and even provincially—that would still like to have income and corporate tax cuts. When you do that, it takes away revenues from provincial coffers and forces choices in terms of how you spread that money around. There are other governments—there's one here now—that say, "We really can't afford to raise taxes. We just can't do it." When you have people wanting to take more money out and others who are unwilling to raise money to recover what we lost, we're left in the position that when we've got people with disabilities—in this case, you with a prosthesis and a desire to get a modernized one that can help you better and get you into a healthier situation—we just don't have the money. It's sad that we just won't be able to find enough money to be able to deal with these things that, in my view, are government obligations.

I think you need to keep on lobbying. We need to have governments take greater social responsibility for some of these things, and I hope this government will find its way to do it.

**The Chair:** Mr. Fonseca.

**Mr. Fonseca:** Thank you, Mr. Hammond, for your presentation. Actually, I'm new to government; I was first elected in October 2003. You were talking about the ADP program and who funds that program. I know you brought up \$10 million. I say that because in many of the depositions, this is such an inter-ministerial issue that has to be dealt with. I will look into the ADP and what is being done on that file.

**Ms. Ann Kindervater:** Could I just say one thing, please, on his behalf? I think you would all be served very well if you went home this evening and looked up your insurance policy and found out what your coverage would be if you were to lose a leg tomorrow through disease or accident. I think you'd be greatly surprised at how little it is, and it's an ongoing thing. It's every three years or less. I think you might be really interested to go home and find out.

**The Chair:** Thank you. Mr. Jackson?

**Mr. Jackson:** I was going to yield my time to Ann, since nobody had asked her a direct question. I'd like to give you another minute and a half of my time.

**Ms. Kindervater:** That's about all I have to say. It's the stress level that all amputees in my situation get to



experience about six months before the three years. The leg I have now is made up of old pieces and parts from other legs—just trying to accommodate me that way. It's really sad. I have sat in a lot of rehabilitation centres since 1967, and you see the torment that people go through, particularly amputees. The technology is there, and we need to be able to access it.

**The Chair:** Thank you very much for your presentation.

**Mr. Jackson:** Mr. Chairman, I was quite concerned at the reference to efforts to get an accurate number from the government on the amount that's being spent on prosthetics and assistive devices. Could we put that on the record as a request, that the committee receive from research what the budget is for, say, the last two years? Thank you very much.

**The Chair:** Yes.

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#### INTER-UNIVERSITY DISABILITY ISSUES ASSOCIATION

**The Chair:** We'll go to the next presentation, the Inter-University Disability Issues Association. You can start any time you're ready.

**Ms. Janice Martin:** Thank you. My name is Janice Martin, and I'm from the University of Toronto. My colleague here to my left is Eunice Lund-Lucas, from Trent University, and this is Dan Pletzer, from Nipissing University. We work in offices for students with disabilities, and we represent the Inter-University Disabilities Association, known as the IDIA.

The IDIA is a professional organization of university service providers for students with disabilities. It comprises representatives from 22 universities across Ontario, with an elected executive body. The executive is mandated to speak on behalf of the association with regard to issues related to disability and post-secondary education in the university sector.

With the number of students with disabilities registered to receive services in the university sector increasing from approximately 2,800 in 1990-91 to approximately 13,000 in 2003-04, support systems for students in higher education in Ontario struggle to meet the needs of this increasingly growing, younger and more demanding student population. The range of disabilities is inclusive of both visible and invisible disabilities, ranging from learning disabilities, mental health disabilities such as depression and anxiety, chronic health disabilities such as arthritis, epilepsy, cancer and bowel diseases, and sensory impairments such as low vision or hearing impairment, as well as mobility disabilities.

First, our association would like to commend the minister and her government for bringing forward such a progressive piece of legislation. We believe that Bill 118 includes significant improvements upon the current Ontarians with Disabilities Act and has the potential to help achieve the objective of removing barriers for persons with disabilities, allowing all persons to fully

participate in society. Bill 118's potential is evident to individuals with disabilities as well as to their support services, such as those in the post-secondary sector.

This brief outlines many of the issues identified by our members at a recent meeting of the Ontario university offices for students with disabilities. Effectively, what we'd like to do is address six issues in this presentation.

The first issue is the standards committees. We support the principle of appointing standards committees to conduct the work of developing accessibility standards by sector and we are encouraged that education could be one of those sectors. We are also pleased that representation from all affected stakeholders will be required on these committees and, most importantly, that those persons with disabilities and agencies with specific expertise are able to participate in this process.

Given the wide range of disabilities, we recommend that in order to make this process meaningful, the selection process is open and transparent and that representation from all disability groups is present, with representation from students with disabilities in the education sector. Further, we support target dates for barrier removal activities with short-, mid- and long-term goals.

Secondly, we'd like to address awareness activities and training. Universities have traditionally placed responsibility for improved awareness, understanding and sensitivity in the hands of offices that provide support for students with disabilities. Limited staff resources and the increased number of students have made this process difficult to achieve. As a result, some faculty, and older faculty in particular, have been less exposed to information pertaining to myths and stereotypes about students with disabilities. Such limitations lead to comments such as, "Learning disabilities do not exist. They are just lazy students who watch too much television."

The university community, and in particular instructional development departments, should take a more active role with the application of universal instructional design principles that allow faculty members to consciously and explicitly think through accessibility issues that relate to course design. This will bring about greater awareness and understanding among faculty about the nature and the impact of disability in the university community. Faculty should be encouraged to apply universal instructional design principles in the classroom so that the entire community—all students, not just those with disabilities—can benefit from inclusive instruction. This approach focuses on making learning environments and tools user-friendly and may include anything from classroom layout to Web page design, as we heard earlier, to a selection of a course text to handouts that explain assignments.

We recommend that funding be provided for outreach, public education, advocacy services and universal instructional design across university campuses aimed at creating a positive climate by addressing attitudes, beliefs and language in order to address misconceptions and stereotypes about students with disabilities while making learning environments accessible to all.

The third area we'd like to approach is confidentiality, for it is the foundation of an effective service for students with disabilities. As well as a requirement by law, offices for students with disabilities believe that this practice generates a student's trust and confidence. Any personal information, including disclosure of a disability, should be maintained in confidence only within the office for students with disabilities. Only with the student's permission is information conveyed about a student's disability to university staff or faculty. Even then, the level of disclosure is on a need-to-know basis, meaning that not all information should be shared with any faculty and staff member. We recommend that the right to review files in the proposed legislation be reviewed to protect the student's privacy of information.

**Service providers:** Currently, many universities struggle to recruit service providers to assist students with disabilities in the classroom due to the fact that there are not enough trained professionals in the workforce, particularly in the field of deafness. We recommend that funding be provided for a pool of skilled accommodation service providers and that these service providers include people such as sign language interpreters, attendant caregivers, learning strategists and support workers for students with mental health disabilities.

The next issue is alternative-format text materials. For many years government has funded the provision of post-secondary textbooks in alternative formats. While the amount of funding in this envelope has increased demand for services, it has outpaced the increases. Even though funding has improved and steps have been taken to improve the ordering, storage and datum of alternative format titles, service delivery continues to be of concern. The result is that students with print disabilities fail to receive, in a timely way, their textbooks in a format that is accessible to them.

Responsibility for the provision of texts in alternative formats lies with the publishers, not government and not post-secondary institutions. This fact has been recognized by many jurisdictions in the United States and has yet to be so recognized in Ontario. Placing the duty to accommodate in the hands of publishers should result in a more efficient delivery of text material. Discussions with publishers on best practices for the conversion and delivery of alternative-format texts are essential, and information and processes from other jurisdictions can be a sound model for Ontario.

The final piece we'd like to address is our aging buildings. Many of our post-secondary institutions have aging buildings and infrastructure which constitute significant barriers. Many of our buildings were built well over 50 years ago, and some over 100 years ago. Without funding assistance, universities that already find themselves in a funding crunch will experience an adverse financial impact. We recommend that ongoing and sustainable funding be provided to meet the target of a barrier-free university sector within 20 years, implementing the Rae review recommendations on deferred maintenance.

In conclusion, the IDIA feels that Bill 118 is a strong, effective proposed piece of accessibility legislation which has the potential to break down the barriers faced by people with disabilities. IDIA supports the steps made by the Ontario government toward a barrier-free Ontario through the proposed legislation. This submission identifies issues related to students in the post-secondary sector, and we respectfully submit these for consideration. Thank you.

**The Chair:** There is two and a half minutes for each group. Mr. Leal, please.

**Mr. Leal:** To my friend from Trent University in Peterborough: On page 3 the second bullet point talks about awareness, and then we go down to the paragraph that starts, "The university community, and in particular instructional development departments," and it goes on. We just opened the new Peter Gzowski College at Trent University and the faculty of learning for First Nations people. I would have thought that the philosophy incorporated in that paragraph would have been part of that design for new buildings such as the Gzowski building at Trent University.

**Ms. Eunice Lund-Lucas:** Part of the UID, or universal instructional design, approach is that it's a multipurpose approach. It takes into account the physical layout in terms of instructional environments but also many other factors: course design, usage of technology, resources made available and how they're made available, the manner in which students are instructed and the engagement of the students. Yes, the new college was a very good start, but it merely has one factor involved in it, and we now need to look at the much more global approach.

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**Ms. Wynne:** Can I follow up on that, where Mr. Leal left off? What is holding you or universities and colleges in the province back from incorporating those other aspects? I understand it's multi-faceted and has to do with program design. When a student brings a note to a professor asking for accommodation, my assumption would be that it would be within the capacity of universities now to have that professor understand what those accommodations should be. Are you saying it's not? Is it the standard you're looking for which this bill will address?

**Ms. Lund-Lucas:** It's actually, more importantly, the inclusivity of students with disabilities in the whole process. To ask for an accommodation adds an additional burden to a student with a disability. I strongly feel that by embracing our approach to instruction, the student in that classroom has their needs met immediately and it doesn't have to be an additional accommodation. That then frees up resources from offices such as ours to make those additional accommodations that need to be made for those particular students for whom even that will not necessarily meet their needs in an individual way that respects their dignity.

**The Chair:** Mr. Jackson.



**Mr. Jackson:** Thank you for your presentation. Two quick questions: The government has indicated that it wants to begin its standards process with the hospitality sector and the hotel sector. I'm wondering if you aren't wanting to recommend to the committee that they start with post-secondary institutions as an area where standards, and therefore hopefully funding, would occur as one of the first priorities in terms of the activity, because with 20 years out, we may not get to education generally and post-secondary specifically for 10 or whatever number of years. Any short comment on that? Then I have another question.

**Mr. Dan Pletzer:** I would reply that with the introduction of the ODA in 2001, the university sector took a proactive response to that and began to address those concerns. I think the university sector is ready to begin to adopt some of the principles of the AODA as well. Whether we will be the first—you mentioned that the hospitality sector seems to be identified. I think the universities are well positioned to begin.

**Mr. Jackson:** Thank you for that answer. When I visited Lakehead University as the minister working on the ODA, that was where they convinced me that 10 years was a building cycle. Every university I visited from there on, I asked them the question, and I was quite pleased and amazed to see that virtually all universities and colleges were on an accessibility accommodation 10-year plan. So in my view, there's a sector that is quite poised and ready.

Here's my question: I specifically wrote into the legislation of the ODA that your access committees and your reporting mechanism would become part of the legislation. That's not part of this legislation. Do you think that process should continue, that you report publicly to your alumni and your communities that you have access plans, that you accommodate disabled students on your advisories and that you are the subject of potential penalties and not of an exemption under the current legislation?

**Mr. Pletzer:** I don't think I have full authority to speak on behalf of all universities.

**Mr. Jackson:** Well, you can do it for Nipissing.

**Mr. Pletzer:** Even Nipissing. I would say that public accountability in principle is important.

**The Chair:** Mr. Marchese.

**Mr. Marchese:** Thank you, all three, for coming. I want to simply make some statements in agreement with the presentation. You're the first ones who have suggested—actually, I was the first, but you're the first group to have suggested that perhaps we put together a standards committee as it relates to the education sector. I wasn't just thinking of post-secondary; I was thinking of elementary and secondary and post-secondary as part of a continuum, because I think it makes sense in so many different ways. It has to do with education generally in terms of educating our public, people with disabilities but particularly those who don't have a disability, and it could deal with all the other issues you talked about in terms of universal and structural design, funding for

outreach, public education, advocacy services and the other things you mentioned; service providers and all the funding that should be there in terms of providing a pool of skilled accommodation service providers who are in short supply; alternate format text materials as a key component of this, and forcing companies to actually do something about it. That's probably separate, but it might come out in terms of these standards development accessibility practices, and aging buildings.

I think it would be good for the government to set up a standards committee on education. None of the government members has spoken to this, so I'm not sure what they think. I think it's a good idea and I hope they heard you as well.

**Mr. Pletzer:** If I could just echo that point, we realize that a post-secondary student is a product of their elementary and senior schooling experience. Having been served standards at those earlier stages of their education, carrying through to the post-secondary level makes a lot of sense. There shouldn't be separate standards. Currently we deal with that at times where there are more resources in some areas of the post-secondary sector than what students may have been accustomed to at the elementary or senior level, and that creates some difficulties. So achieving one standard at all the levels of education makes a lot of sense.

**The Chair:** Thanks very much for your presentation.

#### CANADIAN COUNCIL FOR THE RIGHTS OF INJURED WORKERS

**The Chair:** We'll move on to the next one, the Canadian Council for the Rights of Injured Workers, Maria York. You can start any time you are ready, please.

**Ms. Maria York:** Good afternoon. Please accept my gratitude for creating this opportunity to present my views about this very important bill. I also wish to say thank you to Mr. David Lepofsky and the Ontarians with Disabilities Act Committee for their excellent work and commitment to the advancement of the rights of people with functional limitations. I prefer the words "functional limitations," but we say "disabilities."

My name is Maria York. I am the president and founder of the Canadian Council for the Rights of Injured Workers. Our organization's main function is to conduct research. Our mandate also allows us to legally challenge the statutes and policies or practices that, in our opinion, are not compatible with the charter.

I will skip portions of my presentation to allow more time for Josef, an injured worker.

We are a non-partisan, national organization that is pro workers, democracy and progress. We are not anti-union. Our past projects include our national campaign to amend the Criminal Code of Canada, Bill C-45, between 2001 and 2004, and a presentation and project to the federal subcommittee on the status of persons with disabilities in April 2003 pertaining to the Canada

pension plan offset; this is an ongoing project. More information can be found on our Web site.

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I also wish to provide some information about myself. I am an economist. I have experience in research and education. I began my studies of economics in Communist Poland and completed them in Edmonton, Canada. Four years ago I joined the Ottawa and District Injured Workers Group and became actively involved in helping disabled workers to cope with the complexities and the injustice of the Ontario workplace insurance system. In 2001, I founded the Canadian council. I left the injured workers' group to pursue my work with the council. I must tell you that it has been a true challenge, and continues to be a challenge, to build a non-partisan organization for injured workers.

Our submission is entitled "Accessibility for Injured Workers." On February 2, 2005, this committee heard the story of a worker who sustained head injuries. He spoke about how his productive life since his workplace accident had been reduced to about a 15-year-long battle for his entitlement to benefits under the Workplace Safety and Insurance Act, which is a mandatory workplace insurance policy underwritten, in a sense, by the province of Ontario.

I know many injured workers and I have heard many heart-wrenching stories since 2000, when I first began working with them. I have also read their desperate pleas for help written to their elected representatives of both federal and provincial Parliaments, including letters to our country's Prime Minister.

However, I did not come here to tell you about their battles for entitlements, because I know that you and this government already understand the problems with Ontario's current system of workplace compensation. I am here to suggest ways to fix some of these problems and help you to enact a powerful and enforceable act, Bill 118, for all Ontarians with disabilities, including every injured worker.

One of my objectives today is to ensure that whenever the term "injured worker" is spoken in Ontario, and everywhere in our country, it is understood that they are disabled persons under every statute that exists or is being created for the purpose of their protection, like this bill. I believe there is a great deal of confusion surrounding this issue. I have a letter from the Canadian Human Rights Commission to prove it to you.

To prevent any misunderstandings regarding the status of injured workers for the purpose of this bill, we are asking you to amend the definition of "disability" in part I, section 2. The following are the amendments that I believe are necessary to protect the rights and interests of injured workers and their families and dependents:

(1) Please add the word "illness" to subsection 2(e) to read as follows: "(e) an injury, illness or disability...." The rest is in the act; so between "injury" and "disability," please add "illness."

(2) Please consider adding a new subsection, "functional limitations caused by attitudinal and physical

barriers, injuries and/or illness." This requires a long explanation, and I won't be able to explain why we are asking you to add it here.

Why is the insurance, the coverage, the protection so important to injured workers? Please consider the following statistics: On a typical working day in Ontario, one worker dies from a work-related injury or illness; three workers require amputation; 30 suffer from permanent disabilities; and 400 are injured seriously enough to require time away from work, which means the protection of workplace compensation.

These statistics serve as an extremely important reminder about the alarming probability of becoming disabled at work and losing the functional abilities that are essential for employment, essential for the purpose of competing in the job market.

Disabled people are among the poorest citizens of our society. All of us, all of you, know this. This is why our goal is to ensure that workers who become injured or ill at work are protected from the suffering and deprivation caused by poverty so commonly endured by disabled Canadians who do not have any, or appropriate, disability insurance.

The income replacement plans provided by crown insurance corporations like the Workplace Safety and Insurance Board, known as the WSIB, and private insurance plans for working citizens are an essential component of every advanced society. The benefits provided by them are invaluable for as long as they continue to serve the needs of their insured members and society by honouring their contractual obligations defined by the respective insurance policies promptly, competently and completely, without lengthy legal battles.

I've included some statistics about insurance borrowed from insurance companies' Web sites. I just want to read one statement which is extremely important: "It is a wise person who realizes that their most valuable asset is not a car or a house or any of life's luxuries; not stocks, bonds or other investments—but the ability to earn income." You have some numbers here that were submitted to help you to recognize why insurance companies fight insurance claims. It's about some unbelievable sums of money. A person who is 40 years of age, earning approximately \$6,000 at the time of an accident, will cost the insurance company about \$1 million to \$2 million. If the insurance company can fight them, this is what they can get away with, but the person is not going to be able to work if they lose their case. They will end up on welfare, where people who come to our group are, or were.

Now I'd like to talk about this bill.

I'm an economist—I've said this before—and perhaps this explains why, to me, Bill 118 reads like a very flexible business and investment plan with a great potential for creating enormous business opportunities and employment, I hope, for disabled persons. However, in order to benefit disabled Ontarians, including injured workers, the bill must be enforceable, which it's not. The language of the bill allows one to conclude that the government wishes to maintain a very significant level of



control over the development and implementation of its business and investment plan.

I personally do not see how this bill could help protect the interests of injured workers, as it is incapable of removing the barriers to meaningful, sustainable and gainful employment and timely access to goods and services provided by the health, life and disability insurance sector.

How much time do I have?

**The Chair:** You have about two and a half minutes.

**Ms. York:** OK. I will skip the portion about the Ontario Human Rights Commission. You know about this. I will just go to our recommendations.

**The Chair:** And we do have your written material.

**Ms. York:** Yes. I'd like to just state our recommendations.

Please create standards committees responsible for evaluating and prescribing the standards applicable to:

- employment and vocational rehabilitation of disabled persons, including injured workers, who are able to work. Jo is going to read a statement and you will understand why.

- health care and rehabilitation of disabled persons, including injured workers. We have tons of evidence to explain to you why.

- group disability insurance plans with the authority to evaluate all plans negotiated under collective agreements. You need to do this because the reason, what's in those plans, causes the problem. It forces people to welfare.

Amend the Ontario Human Rights Code to achieve the following results:

- direct access to services of the human rights tribunal of Ontario to all disabled citizens. This would be compatible with the Universal Declaration of Human Rights' access to a competent tribunal;

- ensure equal access to its services and the benefits of the code and Bill 118 to all non-union workers.

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(3) Delegate matters arising from the enforcement of the amended code and the standards and regulations prescribed under Bill 118 to the empowered and properly funded tribunal.

(4) Amend Bill 118 by adding a detailed definition of goods and services—people do not understand this—which would include disability benefits, pensions, services of the insurance sector and statutory bodies like the Ontario Labour Relations Board, administrative tribunals and all unions.

(5) The last recommendation, I believe, is extremely important: Create a foundation that will receive all the revenues from the enforcement of Bill 118—the rest is explained in our submission—otherwise, you will be transferring money from one taxpayer source to another.

I just wanted to thank you for your attention. We've suggested in our conclusion that you consider arranging a meeting with injured workers, injured workers' groups and perhaps ask us so we can explain why we are asking you to consider our recommendations.

Do I have time for Josef to read his statement?

**The Chair:** About a minute. Would that be enough?

**Mr. Josef Rochon:** Sure.

**The Chair:** Not much more than that, please.

**Mr. Rochon:** My name is Josef Rochon. I'm 38 years old and an employee of 14 years. I loved my job. It paid very well, and I was just recently given a pay increase. But due to my injury, I never got to see it.

On the evening of April 1, 2003, there was a loud crack, followed quickly by a pop sound, and I couldn't move or stand up straight, not only for that moment but for weeks after that. I did what I was supposed to do. I called my work and explained what happened. I'm an honest employee.

I did see my family doctor and eventually saw a back specialist. The one thing they had in common was that my injury was definitely work-related. Due to this accident, I started to fall behind in my child support payments because my insurance didn't want to pay me at first. Frustrated and angry, I just wanted to go back to work, but I knew I had to get healthy again. I followed the exercises and went to physiotherapy constantly until I started feeling numbness in my left leg, forcing me to stop. That's when I had to stop going.

The decision could have been made to retrain me elsewhere or at least a new career, but my work, as well as the insurance and WSIB, all had to be right and fight me on this. I know for a fact that I would have been accommodated at a local college when taking a new course, and although I wouldn't have been able to do my other job, I could have done something productive.

I'm motivated and bored at being at home. The bottom line is that I enjoy working, providing for my family and everything else that goes with it. I'm here to say, please, I just want my life back and I also want what is rightfully mine. I would like to be retrained so I can try to obtain the life I had and support my family. All I wanted was fairness and support.

Thank you for your time.

**The Chair:** Thank you, Josef and Madam York, for your presentations. There's no time for questions.

**Ms. York:** I understand.

## COMMUNITY LIVING ASSOCIATION, LANARK COUNTY

**The Chair:** We'll move on to the next presentation, the Community Living Association, Lanark county. Good afternoon. You have 15 minutes for your presentation and potential questions. Please start whenever you're ready.

**Ms. Elizabeth Snyder:** Thank you. My name is Elizabeth Snyder. I'm a manager at the Community Living Association, Lanark county. I'll have my co-worker introduce herself.

**Ms. Alice-Anne Paterson Collinge:** My name is Alice-Anne Paterson Collinge. I'm also a manager with Community Living Association, Lanark county.

**Ms. Snyder:** You have in front of you the brief that was presented to you, and what we'd like to do is just quickly go through it and highlight the areas we want you to take note of.

We do support previous submissions that were given by Community Living Ontario, the Ontarians With Disabilities Act Committee and A Legal Resource Centre for Persons with Disabilities. In our submission there, you can see some of the points we are affirming.

The time frame: We're looking at it being shorter. Instead of 2025, we're looking at it being 2020.

The idea of accessibility advisory groups: Again, we're supporting that idea.

Standards: Once again, we're supporting those.

The standards development committees and participants: We're supporting those.

Before I go on, I would like to briefly—even though you have a copy of our brochure, individuals in the audience don't—give people a sense of who we are and what we do. We support people with developmental disabilities. We have a number of homes where people are supported, and we run a number of day programs in which people are supported.

Our goals and visions: Our goal is that all people live in a state of dignity, share in all elements of living in the community and have the opportunity to participate effectively.

Some of our values: Every person is unique and has the capacity for growth and expression, every person is entitled to respect, and every person has inherent equal dignity and worth. There are a number of items, and what I would like to do is continue and, if we have time, come back to these.

The major focus of our presentation here is that we realize that a lot of the barriers out there have to do with attitude. One of the things we're noticing is that if you have the attitude, then things will change; if you don't, people are pulled kicking and screaming into making some changes. What we're saying is that this bill, Bill 118, needs to encompass the attitude of—I'm not sure I want to use the word "forces," but encourages change to occur so there is accessibility.

What I'd like to do now is pass it over to my co-worker to speak further.

**Ms. Paterson Collinge:** I'll just talk about financial resources. Everybody has heard the thread of some of the speeches and talks today. We believe that the ODSP is just another concrete example of attitudes and how they reinforce poverty in the lives of people with developmental disabilities and anybody on it with a disability. For me, it reinforces how people are valued, and how they are valued in what they can contribute to a society.

**Ms. Snyder:** Further to that, we're looking at government funding. For many of the people we support, their supports are not flexible enough. Again, on the third page, in the bottom paragraph, I just want to reiterate to you that if someone is moving into Lanark county from another area, oftentimes that movement of services for them is not timely and they're then on a waiting list and

therefore find it difficult to move, and they end up not moving.

Part of the next thing we want to talk about, again re-emphasizing the whole thing about negative attitudes, was the closing of the institutions.

**Ms. Paterson Collinge:** Listening to the news and reading papers, and even through the association, there's a big discrepancy between what the government is saying and how the community is responding to the closure of the institutions—a lot of negatives. We're hearing all kinds of stories about how people won't be supported, that communities don't have the resources. One of our questions is, where are the news reports on the successes of people moving out of institutions? There have been institutions in Ontario that have closed. In Canada, a number of institutions are closed. There are provinces that have no institutions. Where are those success stories? What information are families being given on the successes in people's lives? We're not seeing that, and I think that's a lot of the reason why there's so much outrage from families. There are no concrete plans in place that families are aware of, and that needs to happen.

**1540**

We, just in our own service, have seen many successes. I know a person who moved out of an institution who lived there most of his life—probably 30 years of his life—with no expectations about his success. He is pretty much living independently on his own now. His self-image was almost nothing, just because of what he'd been told by many paid workers and by other people in the community. It's just amazing where he is now. He's talking—and this is just an example of where he is. When I first met him, he couldn't talk about himself. He could barely say his name. Now he's talking about what he wants and the choices he wants in his life and the people he wants in his life. When you hear somebody say that, after six years of working with that person—I can't even explain it.

**Ms. Snyder:** It's actually very wonderful when that moment happens.

I guess another part of what we want to do is reinforce what was stated earlier about Bill 118, that it needs to encompass non-physical disabilities. The language must be strengthened to recognize individuals who have developmental disabilities, who are primarily the people we support. So strengthen the language that's a bit weak right now.

Also, remove the opting-out clause that's in Bill 118. Again, this falls back into the whole thing about attitude. If you have the attitude and if the language is strong, we—and I say "we" because this is what this is all about—are very clearly stating that we are moving into a new world where everybody has accessibility and everybody is recognized.

I just wanted to make another point here. The question was raised in relation to whether there should be a separate standards committee on education. One of the phenomena that have happened in our world is that there are very few places where we have an opportunity to talk



about attitudes and make changes and talk about respect. The education system is one of those places where students, whether it's in the elementary school system or the post-secondary school system, have those opportunities, where there are workshops, where we talk about diversity. There is that natural forum that occurs. There aren't very many other organizations where that can happen naturally. I think that having a standards committee on education which could begin to encompass that attitudinal change that needs to happen would reinforce that need for having a committee.

I'm trying to think if we've lost our—

**The Chair:** You have about two minutes. If you don't have anything to say, there will be questions from the members.

**Ms. Paterson Collinge:** OK.

There was a news release by Nelson Mandela—I'm not sure if any of you have seen it or read it—on February 3, 2005, on natural poverty. I'll just read something he said in that speech: "I entrust it to you. I will be watching with anticipation," he told the crowd. "Sometimes it falls upon a generation to be great. You can be that great generation. Let your greatness blossom."

His sentiment captures the message that we have a responsibility to take action with Bill 118 in changing attitudes. Bill 118 needs to mandate it by shortening the time frame, changing "may" to "shall" and making money available to people so that they are able to sit on and be a part of committees and feel that they are a part of the committees.

**The Chair:** Thank you. Mr. Baird, one minute.

**Mr. Baird:** Thank you very much for your presentation. I did want to refer to page 4 of your presentation, with respect to the deinstitutionalization initiative that the government has taken. I want to totally agree with you. If you look at the last 30 years in this province, there's probably only one single policy that has been supported by the Davis government, by the Peterson government, by the Rae government, by the Harris government and by this McGuinty government; that is, that everyone deserves to live in the community. I think people too often confuse people with developmental disabilities with those with psychiatric illnesses. There have been some pretty significant challenges, following that process, that people associate those with developmental disabilities, and the experience has been very different. By and large, the experience has been a very positive one; I completely agree with you. I think it requires those of us who agree with community living to speak up.

There is some fearmongering going on by some, particularly in some of the unions in Smiths Falls, and that's unfortunate because it's an otherwise good decision. I think we're all going to want to watch very closely to ensure that the committed resources that accompanied that announcement flow and that it's done in a timely fashion. I know I've met with the ministry's regional office and the regional director, and they are proceeding tremendously well with the plans.

Just to respond to one of your concerns, either way, they get in trouble, I think. Either they have all the plans made so that people know exactly what will happen, and then they get complaints that they're not getting any input from the families, or when they tell families what they'd like to do in the next five or six years, they get complaints that there's not enough detail. I think they'll work on individual plans, but I want to strongly agree with you that community living is the way to go. We should celebrate the day that the last of those three institutions closes. We're down to about 1,000 people.

They're not the most hard-to-serve cases. It's a common misconception. I had one family who was concerned about their loved one in one of the institutions and went there to visit, and the individual was off on his daily four-mile walk that he took by himself every day. They said he was too low-functioning to be a success in the community.

**The Chair:** Mr. Marchese.

**Mr. Marchese:** Thank you, both. I just want to agree with you on a couple of things that you've said. You're not the first to say the time frame is simply too long. You have been a little more generous than most, to give them 15 years as opposed to 20. Most have been talking about 10.

The exemption clause: Most people are opposed to the exemption clause, so your voice is yet another voice that says don't do it.

I was going to ask another question but he tempted me to say this. When you deinstitutionalize, it's a good thing; without support, it's a bad thing. So when you put people out in the community, no matter what the issue is, what the problem might be, if you don't have the supports built into that system in that society, we're getting everybody into trouble. Do you not agree?

**Ms. Snyder:** Completely.

**The Chair:** Mr. Parsons.

**Mr. Parsons:** As the Comsoc parliamentary assistant responsible for disabilities, the closure of institutions is an area I'm working on. For me, it's very much making people who reside there now get their citizenship back. It had never been taken away.

I want to say, quite frankly, that the staff who work in these institutions have done superb jobs. The parents are concerned about change, as I would be. Everybody is concerned about change. Rather than taking the plan to the parents, right now I'm touring Ontario, and flying in planes that shouldn't be licensed to fly, talking to parents about their concerns, and out of their feedback will come the plan.

As to the parents who have asked me, "Show me some successes," I refer them to community living organizations where people who have formerly been in institutions reside. You've done superb jobs across Ontario. You should be very proud.

**Ms. Paterson Collinge:** Can I just say something? I think there is a misinterpretation of what I said. When I'm talking about the government having plans, I'm talking about government having and showing successes

of people who have moved out and succeeded, because I truly believe in an individualized approach and individualized support of one person and their family and their network.

**The Chair:** Thank you very much.

QUEEN'S UNIVERSITY, OFFICE OF  
THE UNIVERSITY ADVISOR ON EQUITY

**The Chair:** We'll move on to the next presentation, please, and that is from Queen's University, Office of the University Advisor on Equity, Ms. Jeanette Parsons.

**Mr. Parsons:** No relation.

**The Chair:** OK. Good afternoon, Ms. Parsons. You have 15 minutes total for your presentation, and if you have any time left, for questions.

**Ms. Jeanette Parsons:** I appreciate the opportunity to share my views on Bill 118 as a program coordinator for the Ontarians with Disabilities Act, or ODA, at Queen's University. Along with my responsibilities for helping to improve accessibility at Queen's, I am also a person who has been impacted by barriers. I'm deaf.

I'll begin by sharing with you some of the accessibility work we have been doing at Queen's since the enactment of the ODA in 2001.

First, to ensure widespread involvement in the business of accessibility planning, we brought together representatives of departments throughout the university to form an advisory committee, even though this wasn't required by universities. The Queen's accessibility committee helps us to identify a range of barriers and to effectively assign responsibility for their removal. Some 40% of this committee has self-identified as having a disability.

Second, in preparing our first and subsequent accessibility plans, we used the World Health Organization's international classification of function, health and disability to assist us in how we look for and identify barriers. Using this classification system ensured less focus on specific disabilities, which can change over time, and more focus on the environment. Please note, when I use the word "environment," I'm referring to people, places and things, not just the built environment.

The system is based on the principle that much of what disables people does not necessarily reside within them, but rather in the environment. Given that our society has been created by able-bodied people for able-bodied people, removing barriers means changing the way we do things. It means thinking outside the box.

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Third, Queen's, recognizing that the work of accessibility could not be done justice if we simply tagged it onto someone else's already-full portfolio, was the first university in Ontario to hire, using base funding, an ODA program coordinator.

With these support systems in place, I am proud to report that Queen's has been making steady progress. I won't get into those details here, but one initiative I want to highlight is the university's effort to develop and

implement a set of physical accessibility standards to be used in new constructions and renovations.

It is well known that the current Ontario building code does not provide for sufficient accessibility requirements, and in 2002 the Ontario Human Rights Commission indicated it would reject the building code as a defence in disputes regarding levels of physical accessibility. Queen's understands this, and we aim to create a set of standards that will clearly communicate to architects and design teams the quality and level of accessibility we expect to be incorporated in proposed designs. Mind you, this is not just about providing technical information on barrier-free design, but also about providing direction and guidance on the application of such technical information and on how far the university wants to go in ensuring its new buildings and renovations are accessible.

In the time we've been working on this, we have quickly realized just how complicated this process can be. We've grappled with questions like: How do we achieve physical accessibility without incurring astronomical costs for building and renovating? How do we make appropriate choices for accessibility, being cautious not to overlook anything? For example, do we make all offices in an office building accessible or just some? How do we choose which ones to make accessible? Do we install power door openers on every door or just on main entrances? Must all elevators be fully accessible or just some? Which ones? If we have three or six elevators in a building, how many do we make accessible? Do we use Braille or raised text or both on our signs? Should all lecture classrooms have built-in FM systems or just some?

Although these questions are still being explored, we have come to understand that while we may address barriers as they exist, we cannot possibly predict where and when individual accommodations will be needed in the future. Therefore, accessibility is a two-pronged concept: removing barriers and responding to reasonable individual requests for accommodation when they occur.

I have a few comments on the proposed Bill 118.

Guiding principles of accessibility: It is surprising that Bill 118 does not provide any guiding principles to the standards committees as they go about their work of improving accessibility. For example, there is no mention that the standards committees will be given a mandate to create standards that respect people with disabilities, their contributions, their entitlement to dignified access and their right to full participation.

Guiding principles, such as those endorsed by the Ontario Human Rights Commission, would help reduce inconsistency among standards committees, inconsistency which could impact on the overall outcome of accessibility improvements. Granted, the standards committees will be answering many challenges such as the ones I've indicated Queen's is already contending with. However, answering these kinds of questions could be made easier with a set of basic, fundamental principles.



Take, for example, the question of how many elevators to make accessible. Well, the answer depends on where the elevators are located and the comparable quality among them. Perhaps in one situation you might have the accessible elevator located near an entrance, one of similar quality and speed as the inaccessible elevators. In another situation, you might have an accessible elevator located at the back of the building, requiring long travel distances, or one that is slower or of poorer quality, or perhaps one that requires the assistance of another person. On the face of things, both scenarios might be described as "accessible," but only one protects the user's dignity.

I have a few other comments on the bill. The first one is about compensating people with disabilities for their expertise and involvement with the standards committees. I won't go into too much detail about that, but you do need to think about whether or not you are creating an unfair situation if everyone else on the standards committees is going to be paid and compensated through wages or what have you, and you're expecting people with disabilities to volunteer their time. It creates an imbalance. It sends out a powerful message about the kind of personal responsibility that people with disabilities must assume for removing barriers, and it puts a strain on those who feel obligated to participate but have no means to do so. So we'd just ask you to think about that.

The second comment I have is about transitioning from Bill 125, the current ODA, to Bill 118.

Queen's has already undertaken several significant initiatives to address barriers to people with disabilities. One, as I mentioned earlier, was to set physical accessibility standards for use in new construction and major renovations. Another initiative is the work currently underway by our information technology services and marketing and communications departments in developing Web site accessibility standards across the university. As these initiatives were identified to be of pressing concern for Queen's, we expect that the phasing in of Bill 118 and the subsequent repealing of Bill 125 will provide for current accessibility work to become part of future accessibility planning and barrier removal.

Queen's, as directed under the current ODA, has taken seriously the responsibility to review practices, policies, systems and procedures not only to remove barriers but to prevent new ones from occurring. Much time and effort has been vested into this aspect of accessibility planning. Therefore, it is essential that the transition from Bill 125 to Bill 118 not frustrate current efforts or, worse, have the effect of undoing much hard work already done.

My last comment is about public education. Currently, public education about accessibility is tackled in a piecemeal fashion, often with the flavour of "raising awareness." Such efforts have not had the effect of changing or improving the public's general understanding and attitudes, one of the biggest barriers faced by people with disabilities. Something more permanent and systematic is required.

Ideally, Bill 118 should be launched in combination with a well-designed educational program supported by the Ontario government. Such a program should be aimed at educating Ontarians about accessibility, the entitlement of people with disabilities to a fair and equal opportunity to participate in society, and how everyone has a role to play in achieving and maintaining accessibility. Education in this sense is not about "those poor people with disabilities who need our help," but rather about changing the way we do things and the assumptions we make. More importantly, it is about understanding what we lose when we continue to exclude people with disabilities by the barriers we create.

Education in disability issues is about making accessibility a part of everything we do and ensuring it is considered in every possible area. Simply put, it's flipping things on their heads. For example, it's about art galleries ensuring accessibility for people who are blind, it's about rock-climbing groups providing for the involvement of people with mobility disabilities, and it's about reading circles encouraging people with learning disabilities to volunteer as literacy teachers. And on and on it goes.

Referring again to the World Health Organization's international classification of function, health and disability, much of what disables a person lies in the environment and not within themselves. Any educational program aimed at improving attitudes and understanding accessibility and people with disabilities should be built on this principle. It helps to ensure that energy is focused on changing the environment and not on the person with the disability.

My conclusion is that Bill 118 has been hailed by disability groups and others as a major step in the right direction to achieving accessibility for people with disabilities in Ontario. I'd like to end by saying that Queen's University is committed to the business of improving accessibility and will continue in its efforts until accessibility becomes the ordinary way of doing things.

Thank you, and I'd appreciate your comments.

**The Chair:** Thank you. There is just under one minute each for comments or questions. Mr. Marchese, please.

**Mr. Marchese:** Thank you, Jeanette. I just want to agree with you on the whole notion of public education as something a little more permanent and systematic. Unless we build it into the bill, it just won't happen. We say it will, we say we should, that "The minister's committed to..." but if we don't build it in as part of the bill, my fear is it just won't happen.

You are not the first to talk about guiding principles for standards committees. I'm not sure that that would be a problem for the government to do. Obviously their argument is that we should let them do it and decide in consultation with each other and so on, but it wouldn't be inappropriate, in my view, to have guiding principles, so I wanted to say that I support that as well.

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**The Chair:** Thank you, Mr. Marchese.

**Mr. Marchese:** I was about to ask you a last question, but I'm going to honour the time.

**The Chair:** It's really tight. On the government side, any questions?

**Mr. Ramal:** I just want to thank you and thank Queen's for the tremendous effort you are making in order to break barriers for people with disabilities. I just want to assure you about the transitions: You raise in number 2 your concern about Bill 125 to Bill 118. I assure you it's going to be a smooth transition. The bill won't be enacted until we put the standard in Bill 118, then it will be a replacement for Bill 125. But at the present time, there will be an education mechanism. I will echo other people who talk about education: It's very important to eliminate the barriers. It requires great effort, not just from the government's side but also from the disabled groups and organizations, to work together in order to create some kind of messaging to eliminate those barriers, in order to overcome them in the future. Thank you again.

**The Chair:** Mr. Ouellette

**Mr. Ouellette:** Thank you for your presentation. You mentioned about the advisory committees that were established by Queen's. I believe you gave us some kind of background on some of the decision processes that they've gone through. Do you envision a province-wide advisory committee or how it would play out to the province? Can you see your example as being expanded province-wide?

**Ms. Parsons:** Can you repeat that one more time, sir? Do I see—

**Mr. Ouellette:** The advisory committees, and how it worked with Queen's and how it would expand province-wide: Do you see any comparisons, or how would you move forward with that?

**Ms. Parsons:** Certainly, I think all the universities would benefit from a committee that will advise us on its obligations in terms of barrier identification and removal. The challenge with an advisory committee for all universities is that it will need to not only incorporate all aspects of disabilities but there are great variations among the universities themselves. Queen's University is one of the oldest in the province and dealing with what was already mentioned earlier, aging buildings and those kinds of things. So an advisory committee, I think, would be of some value, if it does incorporate as much of the diversity among the universities as it possibly can.

**The Chair:** Thank you very much, Ms. Parsons, for your comments.

#### JORDAN HERITAGE RESOURCES

**The Chair:** The next presentation is from Jordan Heritage Resources. Diane Gallinger, please. Madam, you have 15 minutes for your presentation. You can start whenever you're ready, please.

**Ms. Diane Gallinger:** Thank you very much. Can you hear me?

**The Chair:** Yes, very well, if you stay close.

**Ms. Gallinger:** Thank you for including me in these hearings. My name is Diane Gallinger, and I am here representing myself. I am a specialist in how to make museums accessible to people with disabilities and would like to make a few comments on how the new legislation might impact the museum and gallery sector.

As someone who has worked in Ontario's community museums, I believe that museums and people with disabilities should go together hand in glove. For people with disabilities, as much as for any other citizen, they should be places for lifelong multi-sensory learning; entertainment; a place to volunteer, learn job skills or gain employment; a place to integrate with society and see inclusive attitudes role-modelled and to have one's cultural identity and contributions to society affirmed.

That's how it should be, but the reality is that many Canadians with disabilities see museums as inaccessible, unwelcoming and irrelevant places that reflect none of their history or culture. Museums, for their part, are often so focused on history or art that they don't know that people and society are in fact their core business. Accessibility just hasn't been on their radar screen in any serious way for a long time. For example, the draft of Canada's new National Heritage Policy gives a long, detailed commitment to access for many very specific disadvantaged groups but literally forgets to name people with disabilities in the list of those who should be able to gain access.

I have spent the last four years specializing in museum disability access issues, studying best international practice. My research has taken me to some of the world's greatest museums in Britain, France and the United States, as well as to culture ministries and disability support groups abroad. I've had to do it almost entirely out of my own pocket and on my own time, because the sector doesn't fund this area of research much as it's not a priority for them. Currently, we are, by my estimates, 10 to 15 years behind best international practice. We lack the governmental and professional infrastructure needed to make museum disability access happen, let alone in a way that is excellent and sustainable.

I want to say that I welcome the Accessibility for Ontarians with Disabilities Act with open arms. In the absence of strong legislation, there has been nothing to confront widespread apathy and stalling and motivate serious change. I share Dr. Marie Bountrogianni's personal commitment to this issue and desire to see Ontario become a best practice leader that can take its place on the world stage, and this we could easily do if we're willing to be proactive.

The new legislation represents a quantum leap over the ODA in many ways for the museum sector. In addition to calling for the creation of standards, it addresses the public sector. There has been little motivation for museums to get serious about access if there is no accessible transportation to get people to the site or accessible hotels and restaurants to offer accommodation or meals.



It also identifies a full range of barriers to access. Museum professionals typically do not understand the range and degree of disabilities across the full physical, intellectual and sensory spectrum. The museum that is currently held up as best practice in Ontario is good as far as mobility issues go, but is frankly operating at a level that the British call lifts and loos. I would actually be happier if the act explicitly used a term like "social model of disability," although it gets around that concept.

While I see much that is good about this legislation, I also have serious concerns as to how it will be implemented. While it's true that we need strong legislation, we also need to make sure that the tools to make it work are present. For that reason, I suggest that we follow international best practice and create the full-time permanent staff position of a government museum disability development officer. The British government did this to help museums get ready for the implementation of the Disability Discrimination Act, or the DDA, and hopefully the Accessibility Directorate will do the same, and soon.

We all know that a basic principle of good practice is planning strategically for access from the start of projects. That's why the British government first did a study of current disability practice in British museums as a prelude to future planning. Such a fundamental study has not been done either for Canada or Ontario, in spite of my requests for funding to do the research we so desperately need. The number one need identified by British museum professionals was for the creation of a disability development officer to act as a coordinating, expert resource person for the sector to help it get ready to meet obligations under the DDA. Marcus Weisen accordingly was hired in 2001, and within the last three years has generated multiple award-winning user-friendly publications, Web resources, training seminars and partnership ventures, and at the level of best international practice. By contrast, it has taken four years to get into print one 34-page article on museum access within one ministry, which shall remain nameless, and it has been stuck in translation for over a year now. Now that the legislation has changed, it is already obsolete even before it is published, yet they have no plans within that ministry to revise it even though they know they have a problem. This could be a source of international embarrassment for Ontario if word of this type of practice and attitude gets out.

Left to their own and relying on sporadic grant projects, individual British museums would never have been able to get so far so quickly. Unlike other sectors in the United Kingdom, museums did not panic on October 1, 2004, when the fourth and final phase of the DDA came into effect after a 10-year rollout. Britain has become a main hub in an international network of museum access experts, and I am now connecting further into other countries within the European Union through this resource person. That is how I was invited to do three lectures on disability for the British museum sector last fall during my last research trip yet, I am still largely unknown in my own country.

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Why does Ontario need to follow suit? Museum disability work is still in pioneer mode in Canada. The last presenter alluded to that in practices within art galleries. We are talking about creating a whole new work culture that doesn't yet exist. Canadians who do this type of work do so in isolation from one another, reinventing the wheel when new projects are undertaken. We need a facilitator with the skills to build bridges and bring people together in a spirit of co-operation within a sector that can be very territorial at times.

Also, if American museum practice is any indication, the Americans with Disabilities Act, or ADA, with its prescribed to-do list, has fostered a been-there, done-that, minimum-compliance mentality within the museum sector. That is why the United States is no longer the world's leader in museum access issues, even though the ADA has been in effect for a decade. I realize that there is that freshness in the UK sector right now with the DDA. It's new, and we need to monitor what's going to happen, but I do believe there are things within that sector that are going to keep it fresh. I would like to ask that Ontario's new legislation clearly address this issue of minimum-compliance mentality, and use specific words such as "evolving and continuous duty requiring ongoing learning, improvement and commitment."

The DDA is different from, say, the ADA or Bill 118 in that it takes an anticipatory-duty approach to legislation. It does not give you a list of what to do to make your museum or your facility accessible. It's up to you; the onus is on you to anticipate what people with disabilities will need. What this has done is that it's fostered an incredible creativity and problem-solving ability within the museum sector in the UK because the issue gets personal: You have to, within the context of your own museum, figure out how you can make it accessible within the resources that you have at hand. So now the whole sector is tending to buy in in a very personal way that American and, I suspect, Canadian museums will not.

The use of standards is fine, but I also see that this concept of anticipatory duty has created a more constructive attitude in the UK than in some other sectors. Great care is going to be needed in developing training materials for the cultural sector to know how to go about meeting obligations under the legislation. They're going to have to be taught by a role model who believes in this passionately and is able to help them get beyond that minimum-compliance mentality.

Harmonization of good practice across heritage sites and art galleries is a real problem in Ontario. A dedicated resource person needs to be there to grasp the big picture and work to help a sector that has issues spread across different ministries and agencies. For example, community museums and large institutions like the ROM and AGO are under the Ministry of Culture, yet important living history sites like Sainte-Marie Among the Hurons and Old Fort William are under the Ministry of Tourism and Recreation.

Even within ministries, the right hand often doesn't know what the left is doing. For example, last year, in one culture-related ministry that I was working with, I was faithfully promised work to improve access at their site. I then incurred several thousand dollars in costs in Europe getting the specialist training I needed to do the job, only to be told on my return that the ministry was rethinking its approach now. So obviously, the money was not there, and I am now several thousand dollars in debt for work that didn't come about. The unfortunate by-product of this is that I had been offered an invitation to speak at a conference on disability and museums in Brazil in April. This type of conference is held only once every four years, and to my knowledge, I'm the only Canadian right now who's consistently publishing in this field of research. I cannot afford to go now because of this mistake within the ministry. I don't have the funds.

Another example of this harmonization issue: Until recently, Trillium grants that could fund accessibility retrofits and pilot projects were not available to the vast majority of museums, since they are normally municipally owned and are not not-for-profit organizations. Ironically, a sector that really needed the money to retrofit old buildings was exactly the one not able to access the only serious pot of money designated to do the job.

It is going to take great skill to address the issue of making facilities, buildings and structures accessible in a sector with unique issues. Many of our buildings are historic structures, where access and preservation issues butt heads frequently. How will we develop standards for these, and how do we harmonize the Ontario building code and a new legislation with these types of buildings? This could lead to the closure of some community museums that are already hard up for cash. Some municipalities may just pull the plug rather than pay for retrofits to meet the legislation. There is precedent for this in Nottingham, England—

**The Chair:** I'm sorry; you have already used your 15 minutes. You're just slightly over 15 minutes. We have to move on to the next presentation. We have your material in writing already, I believe. We have a copy, which will be given to everyone by the clerk.

**Ms. Gallinger:** I'm sorry; my presentation came about pretty quickly. That's why you don't have it.

**The Chair:** There's no problem. The clerk has a copy. As I understand it, she will give a copy to all of us. That will be fine. That's the way we do it. Thanks so much for your presentation.

**Ms. Gallinger:** Can I just finish with one sentence? Is it possible?

**The Chair:** If it's 10 seconds or less, yes.

**Ms. Gallinger:** OK. We're at a crossroads right now. There are several major capital projects like the ROM and the AGO and the War Museum happening in Canada. This is our time to really start putting access on the agenda in a very visible way in our sector, and yet it's not happening. Hopefully, if, in conjunction with Bill 118, we can create this kind of staff position or create the

leadership that's needed in this field, we will finally start to get on the international map on this issue. Thank you.

**The Chair:** Thanks very much. There are other people waiting. That's why we are sticking to the time. Otherwise, we would give more time.

#### NATIONAL FEDERATION OF THE BLIND: ADVOCATES FOR EQUALITY, OTTAWA-GATINEAU CHAPTER

**The Chair:** Our next presentation is waiting. Please have a seat. Mr. Ramal is assisting.

Yes, Mr. Jackson?

**Mr. Jackson:** Mr. Chair, I wish to apologize to the committee, but my daughter has taken quite ill and I've been asked to go home. I will not be able to be here for the last five deputants. I have not missed any of these hearings, and it was not my intention to leave, but the committee won't be able to get home until midnight tonight and I really must get to my wife and daughter. So I apologize and I wish the committee well, and I'll see you back in Toronto.

**The Chair:** Thank you. Have a good ride back home, and take care of your daughter.

When our friends are ready, they can start.

**Ms. Melanie Marsden:** Thank you. My name is Melanie Marsden and I'm the chapter president for the National Federation of the Blind: Advocates for Equality, an advocacy group for persons who are blind, deaf-blind and partially sighted. We support all briefs that have been submitted by all members of the NFBAE. As a consumer group, we welcome new members, either persons with a disability or persons who are able-bodied.

We seek full equality in all parts of society, which includes but is not limited to the following:

Any documents that are available to the public must be offered in alternative formats, i.e. Braille, large-print, cassette or computer disk etc. Just think of all the print material you receive in one day. Furthermore, all buildings, parks and streets must have universal signage, i.e. Braille, large-print, audible signs and signals and user-friendly transit. By user-friendly transit, we are referring to bus stops that are called out by name so that people can get off the bus independently, without always asking a driver for a specific stop. Universal design benefits all people in society. Buildings need ramps in and out the buildings, bright lights and tactile markings, for just one example.

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The National Federation of the Blind: Advocates for Equality wishes to be consulted with regard to any issues pertaining to the act. We understand that the AODA aims to have full access in 20 years. However, we recommend the following:

—That there be a formal process put in place immediately to make sure that the necessary steps for access be accounted for. If there are no benchmarks for accountability, the AODA will sit on the shelf and collect dust.



—The necessary steps need to be formally documented and available in alternative format, which we made reference to above.

—There needs to be a plan put in place to illustrate what has been done in 2005-06 etc. Also, where are we going from here, and what are the other issues that still need to be addressed so that the goal of the 20-year access will be attained? We all know that if we assume that this act will just come together in 20 years—well, we know what “assume” does.

**Ms. Kim Kilpatrick:** My name is Kim Kilpatrick. I'm the executive assistant with the NFB AE. I want to thank you very much for all the work you're doing with these hearings and listening to everybody's points of view. I think this will really help to ensure that the new bill will be better than the old bill.

I'd like to talk a little bit about the composition of the committees. As a consumer organization, we recommend that the bulk of the representatives on the committees come from the disability community, and we recommend that they come from organizations of persons with disabilities. These groups need funding in order to dedicate the time needed to participate in these committees. We recommend that cross-disability training be provided for everybody on these committees so that everybody knows about various disabilities. Also, the information on these committees should be available in alternative formats, as we've discussed. We may need some resources on these committees, possibly readers or other resources. We think that disabled people should also be considered in the process of hiring inspectors to inspect the work sites. As to the makeup of the committees, even within the blind community there are differing needs for totally blind people versus partially sighted versus deaf-blind people, so they should all be represented on these committees.

We feel that this bill as it is doesn't give persons with disabilities the opportunity to file complaints. People have talked already about the Human Rights Commission. We need the ability to file complaints and have them dealt with.

It seems to be a common theme here today, and I'm going to touch on it a little bit again: public education. We feel this is very important. Educating kids when they're in the school system helps to break down the barriers earlier. I can't tell you how many kids will tell their parents not to touch my working dog. We saw a young man earlier today who was very eloquent in speaking about his sister with autism. This is an example of a young person who has been educated about someone with disabilities.

We also think that education should extend to professionals as well, for example doctors. I visited a doctor's office recently and he refused to have my guide dog in the examining room with me. He said he was terrified of dogs and made someone take it outside. Then I was unable to leave the room independently because my dog was not there. Someone would not make someone in a wheelchair leave their wheelchair outside an exam room.

Social workers and employment counsellors should be educated as to the careers that people with disabilities can pursue, given the right accommodations. Architects—someone mentioned this before—in designing buildings, should make sure that buildings are not only accessible but easy to get around in and not too confusing. For example, I practically need a compass to navigate some of the local malls around here because there are no straight lines and they're so confusing.

We think the education should not be just in, say, medical school or in social work school but in ongoing public education throughout professionals' careers so they can continue to learn and be open.

We expect this bill to make a difference in our lives. We're hopeful of that. We expect it.

That's all we have. If you have any questions, we'd be happy to answer.

**The Chair:** Are there any questions? We'll start with the government side.

**Mr. Ramal:** Actually, I don't have a question. I agree with whatever they mentioned. Hopefully, if this bill passes, it will achieve our goal and your goal to have Ontario barrier-free. You can go to the mall without any complications, and if you go to the doctor, you'll be able to take the dog with you. That's the intent of the bill, to assist people with disabilities to have access to all the places, whether it's a mall, a hospital, a doctor's office, a coffee shop or a restaurant. That's our aim, and with your support and other people's support, hopefully we can pass this bill and achieve our goals. Thank you very much for coming.

**Ms. Marsden:** I think we've found it's attitudinal as well. Sometimes people are very helpful and want to help you, but they go overboard. There's that assumption that you absolutely have to have help to come to this table or you have to have help to do whatever. So it's also about letting people choose what they'd like.

**Mr. Ramal:** Definitely, attitudinal barriers are very important. It has to go through educational messaging, through the media, school, university, the social network, in order to send a message.

**Ms. Kilpatrick:** The way that people with disabilities are portrayed in the media makes a difference as well, so that education carries over to the media. If we're portrayed as helpless and incapable, then that's what society believes about us.

**Mr. Leal:** Thanks very much, Melanie and Kim. Do you feel there's a need to have an advocacy provision in this bill? Going to the Ontario Human Rights Commission has been a very slow process in the past. Perhaps an advocacy provision within the legislation would help people who have come across additional barriers.

**Ms. Marsden:** Absolutely.

**Ms. Kilpatrick:** Yes, I think so. You'd have to see how it was worded, but complaints processes, as people have said before about going to the Human Rights Commission, are so slow. If it takes you two years to get access to somewhere or two years to get the taxi driver to

let you in his taxi with your dog, that's two years too long. It shouldn't take two years.

**Ms. Wynne:** Kim, I think it was you who said that the bulk of the representation on standards committees be people—and I didn't catch whether you said "from the disability community." I wanted to clarify, because there has been some distinction made between people and organizations who represent people with disabilities and people with disabilities.

**Ms. Kilpatrick:** We believe that the bulk should be people with disabilities. We understand that people who represent people with disabilities do have very good intentions and knowledge, but we feel that the people who best function are the people who live in the shoes.

**Ms. Wynne:** And by bulk, you mean the majority?

**Ms. Kilpatrick:** Yes, I would say the majority.

**The Chair:** Mr. Marchese.

**Mr. Marchese:** Thank you both. I have just a couple of comments of agreement with what you've said.

One of the major weaknesses of the bill is that there is no ability to file complaints, as you pointed out, and Bill 118 still leaves you vulnerable to having to file a complaint with the Ontario Human Rights Commission. Whatever we're dealing with now when people do not abide by the current law, we will continue to have the same problems under Bill 118, because there is no process in place, including no tribunal that's been mentioned, which may or may not happen, that would deal with actual individual complaints. I wanted to point out, in agreement, that this is a major flaw.

You are the second person to mention employment equity practices as related to inspectors, and I agree with that. If they are going to hire inspectors—because it says they "may"; I believe they should hire them—I believe they should employ the employment equity practices that you've suggested. I hope the Liberal members are listening to that.

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**Ms. Kilpatrick:** The other thing about the inspectors is that the inspectors are doing a public education job as they go forth to inspect, and they are then also saying, "This is the reason why this is not quite right"—so even as ambassadors as well as inspectors.

**Mr. Marchese:** I agree absolutely with that.

The third point I want to agree with—and you're the first one to talk about this, as far as I recall—is the cross-disability training to be provided in the standards committee. No one else has talked about that.

**Ms. Marsden:** Well, the thing is that we know ourselves. My vision is different from Kim's and the next person's, or two people can be in a wheelchair and have different needs. They all have different needs. That was in reference to that.

**Ms. Kilpatrick:** If you're on a committee where you're trying to do all these access standards, you need to have some knowledge; not that you'll have as personal a knowledge, but you need to have some knowledge of all the disabilities you're trying to represent.

**Mr. Marchese:** Of course. Thank you very much. I hope Mr. Ramal is listening.

**The Chair:** Thank you very much for your presentation.

#### MUTCHMOR SCHOOL COUNCIL

**The Chair:** The next presentation is from Mutchmor School Council. Please have a seat. Is it Megan Wallace from Woodbridge?

**Ms. Megan Wallace:** From Mutchmor School Council.

**The Chair:** I was referring to your family name. There used to be a number of people with the same name from that village.

**Ms. Wallace:** No, we're from Ottawa.

**The Chair:** No problem. Please start.

**Ms. Wallace:** My name is Megan Wallace and I am here today as the co-chair of the Mutchmor School Council to speak on their behalf. Our school is a kindergarten-to-grade-6 school in downtown Ottawa. We are a school in the English public board and one of the many schools that are a part of the Ottawa-Carleton District School Board.

Our school was built in 1895, and as a result of its age, it is not wheelchair-accessible. In schools of this age this is probably not uncommon. What is unique about our situation is that we have a parent of a child in our school who is in a wheelchair and therefore cannot visit his children's school. I wanted to come and speak to you today to tell you what we call the sad history of trying to convince the Ottawa-Carleton District School Board to make our school accessible and to urge you to ensure that under Bill 118 these kinds of situations will not be allowed to continue to occur.

The story I'm going to tell you today has changed as of last Thursday. We now have every reason to believe that we will be getting a ramp to provide access to the first floor of our school. However, our concerns remain the same. We are not getting a ramp because there is a system that has worked, and we feel that under the proposed legislation there could still be little hope for people who find themselves in our situation.

As I said, we have a parent at our school who is in a wheelchair. He has been a Mutchmor parent for six years. Our school is not accessible at all. Each entrance has a number of stairs, and there is absolutely no way for someone in a wheelchair to access any level of our school building. There is no way for this parent to independently enter the first floor of the school and absolutely no way for him to access the second floor or the basement, where his children's classrooms are located.

This family has had at least one child in the school since 1999, and in those six years the school board has not taken one step toward accessibility. The school board has been aware of the problem, and for years they did not even consider this to be an issue which required their attention.



This family has a child in grade 1 and a child in grade 5. The oldest child has now been at Mutchmor for six years, and in this time, this father has never seen his children's classrooms, has never attended meet-the-teacher, has never attended holiday assemblies, has never attended our annual breakfasts or skating parties, has never been allowed to volunteer in his children's classrooms and has never been able to drop by the office to discuss an issue of concern with the principal. He has never been able to see the inside of his children's school. Meetings to discuss his child's special educational needs and regular parent-teacher interviews have either been held without him or in an alternative location.

The family has been actively advocating for access to our school for over a year and a half. During this time, in addition to having a parent unable to access the school, Mutchmor was housing the neighbourhood after-4 program and there was a child in a wheelchair who was unable to attend due to lack of access.

In my opinion, we have been more than reasonable in our suggestions. No one has walked into the board offices and demanded multi-million-dollar renovations to take place immediately. At the first meeting with board staff regarding accessibility, the family suggested that we make accessibility to the ground floor—the office, gym, library and first-floor classrooms—phase 1. We were hoping this would be a top-priority project and would possibly be completed during the 2003-04 school year. The suggestions for phases 2 and 3 included access to the bathrooms, second-floor classrooms and the basement. We were told that there was no money for phases 2 and 3, but we were left with the impression that phase 1, the first floor, was a possibility.

To be clear about what we were asking for, the ramp to access the first floor was estimated by an architect to come in at a cost of approximately \$20,000. This is a school board that has routine maintenance costs—roofs that cost \$300,000 to \$500,000 and annual window replacements in schools throughout the board at a similarly high cost—and \$20,000 is not a large portion of their overall budget.

However, after we were left to wait for some time, we were told that there was no money for parent accessibility or, for that matter, for the child in the after-4 program that was at that point housed in the school. It became clear to us that there was no list of schools to be made accessible, no priority list of accessibility projects and no one who seemed to be responsible for pushing these kinds of projects ahead.

Over the course of this discussion, school board staff stated that even if there were a student in a wheelchair, it was likely the school would not be made accessible; instead, the child would simply be rerouted to the nearest accessible school. It is disturbing that the board seems to have no interest in moving forward on accessibility, but it is absolutely infuriating that the idea of excluding children from their community school on the basis of disability seems to be something they would strongly consider. Our experience with the school board has shown us

that having those who have a financial motivation to prevent access determining standards and creating accessibility plans is unlikely to create progress.

As I mentioned in the beginning, we found out last Thursday that we will very likely be getting a ramp to provide access to the first floor of our school. This is a major breakthrough for us, and we are delighted. However, this is not happening because the system has worked and our name has come to the top of a list. This is not part of any plan toward further accessibility for schools in our board. What has happened is that an individual high up in the board organization has shown the integrity and kindness to do what is right. He has responded to our repeated e-mails and calls to many different staff members and our continuing pushing of this issue. Not everybody in Ontario who needs access to buildings, schools or otherwise, is likely to be so lucky as to find somebody who is willing to help, nor should we rely on this. This is why we are here. Waiting six years to have access to your child's school is a nightmare. If the construction of our ramp goes through, this parent will have access to the school for his older child's final year at Mutchmor. If not for the intervention of a senior official at the board, we would not have been this lucky.

Our concern is that under this new legislation this situation could happen again to another parent and another school community, and indeed to people in all the sectors for which standards will be developed. We are worried that Bill 118 does nothing to protect others from the same situation. If you had a child entering kindergarten this year, it appears to us as though the school board could still say you would not be able to go to your child's class until 2025 and, even then, there is no guarantee that the standards would dictate that each school become accessible. A parent in a wheelchair with a child entering kindergarten this year could still miss out on their child's entire education because the school buildings are not wheelchair accessible.

To be specific, it appears to us as though the structure of the standards development committees is potentially problematic. First, we find it interesting that those who hold the purse strings—the involved ministries and the involved sectors—are being charged with developing what they consider to be an acceptable set of standards for accessibility. Yes, it does say that on the standards development committee there should be persons with disabilities or their representatives, as well as representatives from the industries or sectors and representatives of the related ministries. However, what it does not seem to say, as it does in relation to the other committees set out in the act, is that persons with disabilities should make up the majority of committee members.

Here is the problem: If you have representatives of the school boards who don't want to spend any money, and representatives of the Ministry of Education who also don't want to spend any money, and you put them in charge of setting the standards for what needs to be accessible and when it needs to be accessible, you have a substantial problem in terms of ensuring timely and

complete accessibility. These people have a vested interest in not spending lots of money on these projects; therefore, they will quite possibly develop soft standards.

You heard the abbreviated version of our interaction with the board on accessibility. There were many phone calls and e-mails in between the main points I have made. If the people who are charged with developing these standards share the same concerns and limitations as those at our school boards, we can guarantee you that little progress will be made.

I am not saying that these representatives are not important stakeholders in the process; I am saying I do not think that having them determine what will happen, and when, is likely to move the process forward. They could easily decide that only every second school needs wheelchair access. This would exclude children and parents from their local schools, thus isolating them from their communities. This would also exclude parents, children or community members who want to take piano, cello, tae kwon do or badminton with a community group that operates out of a school. This also excludes people who want to have a child in a school-based daycare or after-school program. We need to ensure that all schools in all communities are open to those with disabilities. Schools are often the heart of a community. Excluding people from these buildings for the next 20 years should not be an option. It is unthinkable.

The main point I would like to bring to the table today is that it should not be those who have a financial interest in limiting the scope of what is accessible who determine the standards. It should be those who are sitting on the outside of inaccessible buildings who have a strong voice in this process. In the structure of the municipal accessibility advisory committees and the Accessibility Standards Advisory Council the legislation seems to provide for the strongest voice, the majority of committee members, to be those with disabilities or their representatives. We think it is crucial that this be considered as well in the development of the standards for each sector. This is, after all, the first and most important step in the process. We would also like to note that when the sector in question operates under the arm of responsibility of the provincial government, as is the case with school boards, the province has a special role in ensuring that the most stringent standards and strict time frames are put in place. They are, after all, spending our money.

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In closing, I would like to point out that strong and timely standards are particularly crucial when the institution in question is one as central to the lives of children, parents, families and communities as their local school.

Thank you for your time.

**The Chair:** Mr. Marchese.

**Mr. Marchese:** Megan, thank you for coming. It's really impressive. You don't represent people with disabilities, you don't have a disability yourself, but you're here representing an individual who's been trying to get access to the school and can't. I find that this

personal story and your desire to come and seek justice for someone else like that is just a great story.

You make a very good argument. You're saying, if the educational system and the provincial government haven't been able to find the few bucks to create an access to a school, how will these very same people create the access for all the other areas of their responsibility? So you raise a wonderful worry.

The reason I think this government wants to spread it out over 20 years is because they recognize it's going to cost them money and they don't want to spend it, because they would have to otherwise, and pony up a whole lot of money. That's why I think they are not wanting to do this in five years or 10. They're profoundly nervous and so they're saying, "Let's delay as much as we can." What do you think of that?

**Ms. Wallace:** I think the money is obviously a concern for everybody, and part of the problem with the schools is there's no one who's in charge of this. They have a maintenance budget which they're backlogged on, so because nobody's in charge of it at the school board, it just gets shoved aside and other projects tend to come first, which is not fair. You shouldn't do roofs before you do wheelchair access.

**Mr. Marchese:** Right, naturally. But here's the problem. If we're going to, as a province, commit ourselves to this bill, it will have costs and we will have to raise the money. Because boards of education literally have no access to where they can get the money, they rely on the provincial government. If provinces don't free up money to be able to create a barrier-free kind of policy, we're in trouble. So do you agree that the government will have to find money and that they need to make a commitment toward doing that, otherwise we're going to face the same problems as we progress?

**Ms. Wallace:** We can't say to the school boards, "You have to become accessible right now and you have to do it with your existing budget." That's not going to work. I think that's clear.

**The Chair:** Ms. Wynne?

**Ms. Wynne:** Thank you, Megan. I really appreciate your coming in. In my experience, the parents who work as volunteers on school councils are advocating for the whole school a lot of the time, so I really appreciate that.

I want to pick up on something you just said. You said, "We shouldn't do roofs before we do wheelchair access," and I just want to highlight that as probably the biggest problem that school boards have right now. We've had a number of years in this province where maintenance and renovation has not been funded adequately and so school boards have been falling behind. I know I don't need to tell you that schools that should have been maintained have been falling into disrepair. So what we're trying to do now is climb out of that hole by putting some more money into facilities.

I hear you saying, though, that you want to make sure that there's a system plan for moving to accessibility. Is that accurate? It sounds as if in your brief you were concerned when you found out there wasn't a plan.



**Ms. Wallace:** Well, there's supposed to be an accessibility plan. The board is supposed to have one under the old act, but they're months behind schedule, and their plan for the year is to find out what's not accessible and post it on the Web. It's not really ambitious. There's no budget for it.

**Ms. Wynne:** I take your point about the people on the standards development committee, but if the standards development committee dealing with education were to put in place a requirement that boards have a plan that over X number of years there is going to be full accessibility—you're arguing for full accessibility for every school? Is that what you're looking for?

**Ms. Wallace:** Absolutely. The issue, for me, also is that you can say you have X number of years to make things accessible, but if a parent, a child or a teacher wants to be in that school, it happens the next day. A nice man with a forklift comes and digs you a hole for a ramp immediately.

**Ms. Wynne:** So you think that bumps a school to the top of the list?

**Ms. Wallace:** Absolutely. And it should happen instantly, because this is completely unfair.

**The Chair:** Thank you very much for your presentation.

#### CITY OF OTTAWA

**The Chair:** The next presentation is from the city of Ottawa. Thank you for coming and speaking to us today.

**Mr. Stephen Finnamore:** Good afternoon, Mr. Chair and members of the standing committee. I'm Steve Finnamore. I'm the director of real property asset management, which takes care of all the facilities in the corporation of the city of Ottawa. As chair of the city of Ottawa's accessibility steering committee, I wish to thank you for this opportunity to speak on behalf of the city on the proposed Bill 118. As public consultation is one of the cornerstones of democratic governance, the city commends the province for holding public hearings on the bill prior to its receiving third reading.

People with disabilities represent a significant portion of our population. This will only increase in the future as a result of a population that is currently temporarily able becoming disabled as they age. There is a wide range of barriers—physical, technological, legal and attitudinal—experienced in day-to-day life.

As demonstrated in our 20/20 Vision for the city of Ottawa, where we embrace the notion of a caring and inclusive city, the city is in support of the objectives of the new legislation. Internally, the city has created an accessibility steering committee, made up of representation from all city departments, to work collaboratively with the city's Accessibility Advisory Committee under the legislation, and with community organizations for persons with disabilities, on the strategic aspects of implementing this bill.

As of yesterday, we finally got our city budget approved, and our COMAP—our municipal accessibility

plan—was approved as part of that, with all its funding accordingly. It has also established a disability specialist to work with those committees to produce future plans and strategic plans associated with what we have to do to implement this bill. That's good news for us. I will speak to the timing of municipal plans and the city's fiscal budget approval at the end of this presentation.

Of course, there are a large number of issues that need to be addressed concerning accessibility in the community, but given the time today, the city would like to focus your attention on those points that the city feels are key to the successful implementation of Bill 118. There are five points here collectively.

The first, with respect to provincial standards for accessibility: A void in consistent and realistic standards will not be conducive to effective planning. The province is proposing a 20-year implementation plan divided into five-year intervals. The city would encourage the rapid development of the proposed technical standards so that the first five-year phase will be meaningful in removing barriers found in the existing infrastructure, meaning that the longer we wait to put those standards in place, the more difficult it is to plan to remove them with some certainty. Also, without the timely development of new standards, it is conceivable that the building of new infrastructure during the interval without approved standards could result in the creation of new barriers ultimately unacceptable to the province.

Standards associated with retrofitting existing infrastructure need to be flexible to ensure that scarce resources are applied to the removal of barriers that will have the biggest impact. A good example of that is having to move a partition one inch, and a whole row of partitions one inch, in order to make the handicapped stall meet a specific standard. Is that a good application of money? Our advisory committee struggles with that regularly with respect to where we spend our limited resources.

Standards for new infrastructure also need to be carefully developed so as to represent the most realistic approach to ensuring a balance between accessibility and affordability. Some of the reviews of standards created by other municipalities, and in our case also, as we started down the road of doing the same thing, showed some very heavy impacts to new infrastructure that ultimately did not really address the barriers properly.

The city would encourage the province to review current standards associated with accessibility, such as the CSA standards for barrier-free design, and use them as a basis for building the new standard, and to harmonize all provincial legislation that deals with accessibility of the built environment in an effort to remove ambiguity in this regard. Have one set of standards. Don't have some in the building codes, some with another standard etc. The city's approach to this right now, in an interim step while it waits for the province to come out with its standard, is to assemble a cohesive document of current standards and the application of those in the city as a document that we can reference, as opposed to going out

and spending money to create a whole new standard only to have it replaced by whatever the province comes up with. Our accessibility advisory committee supported that strategic approach because they'd rather see the money spent on the buildings and infrastructure.

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The city would also encourage the province to include on the standards committee professionals who are knowledgeable in the design of barrier-free infrastructure and the realities associated with design and construction and their associated costs.

With respect to incentives, the removal of barriers in existing infrastructure represents a capital cost that, even if it's spread over 10 years, will, as in the case of the city of Ottawa, represent millions of dollars. The city would request that the province give consideration to one-time grants and/or interest-free loans to assist in the capital costs for accessibility retrofit work on existing infrastructure. This is not an issue on new infrastructure. We're already designing those to CSA standards etc. We will design those to the new standards that come out. This is on the retrofit work. This position is in line with that of the Association of Municipalities of Ontario with regard to assistance in this type of funding.

With respect to enforcement, it should not be assumed that a larger organization is better equipped to respond to the challenges presented by this type of legislation. Although a small business may be challenged to comply, and I am sure that you've heard from those who represent small and mid-sized businesses, so will a large organization that has, on a per capita basis, as much of a fiscal problem and a much larger portfolio, of both facilities and programs, to deal with.

Therefore, the centralized role of overseeing compliance, incentives and penalties needs to be structured to assist organizations, large and small, to achieve the goals as set out in the legislation. Similar to the enforcement of other provincial legislation, such as with the environment, an organization that is consultative and that assists in planning and approving for success is more constructive than one that simply administers and adjudicates compliance regulation and penalties.

The city would recommend that the province, for reasons of cost-effectiveness and efficiency, utilize the current organizational infrastructures in the community, such as municipal building inspectors, for front-line compliance review, inspection, reporting and to augment that front-line organizational infrastructure with training and operating dollars to ensure its sustainability. That's of course assuming the province has inspectors in this regard. There is a huge infrastructure out there already that can assist in that aspect.

With respect to education and communication, often attitudinal change comes over time, and given the implementation term for removing all barriers of 20 years, there is a very real possibility of having the next generation achieve an awareness of accessibility issues to ensure the sustainability of creating a barrier-free environment. I am very aware of this as my own son has a

significantly different awareness and attitude to things like smoking, drinking and driving and the environment, largely due to education and communication.

Therefore, the province needs to invest in ongoing educational programs to increase awareness of accessibility issues through the media and the schools. The city of Ottawa is implementing an internal training program to all staff, and as of yesterday's approval, will start in 2005 with that training over the coming years to increase awareness of issues associated with accessibility for all our staff.

One last point: A well-conceived municipal accessibility plan will entail a significant dollar investment that in most organizations requires budget approval. In the municipal setting, that fiscal approval is typically at the end of the year, depending if there's an election or not. Submission deadlines for deliverables under the legislation need to be coordinated with the approval processes already in existence, such as those for annual operating budgets. This year, for example, we struggled to get our municipal accessibility plan together. We refined it and got it ready for committee, and all the time the province was asking us for it. We could have delivered it as a draft, as a preliminary or something to that effect, but it did not have any sanction by a committee in council until it went through its budget process. Eventually we did submit it electronically and said, "This is the draft. It doesn't have any approval yet." Because it has dollars in it, it ends up in the budget process, so it would sure be handy if it was coordinated with those kinds of processes.

In conclusion, the city is committed to removing barriers from the community and is eager to contribute to the building of a barrier-free Ontario.

I thank you for your time.

**The Chair:** Thank you for coming. Mr. Leal has a question.

**Mr. Leal:** Steve, a previous person made a submission. I talked about the role I believe that municipal property standards inspectors can play in enforcement. I'm glad you agree with me. Mr. Marchese and I have a difference of opinion on that issue and the value of municipal infrastructure to carry out this legislation. I think that's important.

My question to you is, in the city of Ottawa do you have a budget line item for retrofitting various public facilities in Ottawa to make them accessible?

**Mr. Finnamore:** Yes, we do.

**Mr. Leal:** How much would that be on a yearly basis?

**Mr. Finnamore:** This year, it was half a million dollars, \$500,000. I have to say straight up that it was larger than that in previous years. It got cut significantly last year as a result of significant budget pressures in the city generally, and it's starting on its way back up. What the steering committee said when it presented its municipal accessibility plan to the committee of council was, "We will put a strategic plan in place that deals with the five-year intervals and be prepared to invest more money."



**Mr. Leal:** Does the city of Ottawa have a special price for bus passes for disabled citizens?

**Mr. Finnamore:** I believe so. I'm not sure whether that made it through committee and where it stands. It might still be up for council approval. But they're debating that as we speak, if not.

**The Chair:** Mr. Marchese.

**Mr. Marchese:** Steve, a couple of questions. The enforcement mechanisms in this bill are incredibly weak. In fact, I would dare say there are none. While I may not agree, I accept the fact that you say we have to be careful about how we go after some small businesses that might not have the money etc. There is no requirement to hire inspectors, which leads me to believe, by the way, that they will rely on municipal inspectors, because the government isn't saying they're going to hire them. There is no requirement that a director, who will be appointed by the minister, "will" review the accessibility plans. They "may." There's no requirement that the tribunal or a tribunal or one of those tribunals that the minister may set up down the line is going to actually deal with individual complaints. If someone has a complaint, they will have to go through the Human Rights Commission to seek redress down the line. My sense is that unless they change this, don't worry about this, because nobody's going to be taking anybody to court.

**Mr. Finnamore:** I need to respond to that. First of all, my experience with the Human Rights Commission is a lengthy one. Normally, I'm on the other side of the table; I have to say that. It's not very effective in that sense, so you need to have a centralized review of people's progress on non-accessibility issues. There's no doubt about that. I can't imagine doing that without inspectors. I just assumed—I have to say probably incorrectly, because you're correcting me on that—that this would be in place, that there would be some process to that effect.

But it's not so much that I'm worried. We're looking forward to making our buildings accessible. We're looking forward to some help from the province if we—

**Mr. Marchese:** I was about to ask you that question.

**Mr. Finnamore:** Because right now we're probably about 30% or 40% through our barrier reviews, and it's significant dollars.

**Mr. Marchese:** Steve, let me ask you, because you remember my second question—

**The Chair:** And last question.

**Mr. Marchese:** My sense is, you're going to need a whole lot of bucks. You talked about needing support for the old buildings in making them accessible. How much do you think it might cost, let's say just the city of Ottawa?

**Mr. Finnamore:** Like I say, we're about 30% to 40% through and it's probably running to about \$14 million or \$15 million of identified barriers according to our CSA work, not according to a new standard that you might create.

**Mr. Marchese:** That's a whole heap of money that you hope the province will—

**Mr. Finnamore:** But I also have to say that we're looking forward to the notion of strategically, over the five-year periods, actually removing buildings that are past their term, getting rid of those and putting new infrastructure in place as part of that strategy. So it's not a given that those will remain as barriers.

**The Chair:** Thanks very much for your presentation, and of course answering a number of questions.

The next group is not here, so we will be jumping to the next one. Is the UN Working Group for the Protection of Persons with Disabilities present? Is Erin Elizabeth Fitzpatrick present? If not, I'll go to the next one.

1700

#### MULTIPLE SCLEROSIS SOCIETY, OTTAWA CHAPTER

**The Chair:** Is the Multiple Sclerosis Society, Ottawa chapter, here? Yes? If you don't mind, sir, I'm anticipating by half an hour. Thank you. You have 15 minutes, sir.

**Mr. Chris Pomroy:** The person who was going to present this should be here at 5:30, but to keep the show on the road—

**The Chair:** Do you wish to go ahead? Please.

**Mr. Pomroy:** Yes. My name is Chris Pomroy. I'm on the social action committee of the Ottawa chapter of the Multiple Sclerosis Society of Canada. I'm speaking, at the moment, on behalf of Philip Goodwin, who is our chairperson.

I would first like to congratulate the minister on the bill, which is a major improvement over its predecessor. We would also like to thank you for the opportunity to present our comments to your committee.

Firstly, we would like to endorse the comments from two other sources, the accessibility advisory committee of the city of Ottawa and the Ontario division of the Multiple Sclerosis Society. We have read both of these briefs, and we support them fully. The vice-chairman of the city accessibility committee is in fact a member of the circulation committee of our chapter, so we know these presentations well. We would certainly like to endorse the provisions, in particular for the development of accessibility standards that can be monitored and benchmarked for progress, coupled with a user-friendly complaints and enforcement process, which we've heard in a few of the previous presentations.

This afternoon, we would like to address an aspect of the bill which is one of its major improvements, and that is its application to the private sector. Section 33 refers to incentive agreements "in order to encourage and provide incentives for such persons or organizations to exceed one or more of the requirements of the accessibility standards." We applaud this approach, since it is much better to encourage than to coerce. In support of this concept, we would just like to tell you of the development of a project that our chapter is currently involved in to encourage the private sector to become accessible.

There is no doubt that in recent years significant sections of the private sector have embraced the principle of accessibility. Whether this is because most people can name at least one family member or friend who has mobility problems or whether it's just good for business is immaterial, but it is an encouraging sign. Our social action committee, in partnership with some other local organizations—the local chapters of the CNIB, the Disabled Persons Community Resources and the Canadian Hearing Society—has adopted the name of the Ottawa Accessibility Alliance in recognition of this trend and has initiated a project based on several sources that we hope will offer encouragement to businesses that wish to improve their accessibility. The project is still in its early stages, but so far objectives and criteria have been established, and a business plan is being drafted and will be submitted to our respective boards for approval. The objectives are to develop standards against which properties can be measured with respect to their accessibility, to develop a means of assessing and monitoring buildings and facilities, to establish a system of recognition for those establishments that meet or exceed minimum standards, and to develop a public awareness campaign to educate the community on the rating system utilized by this project.

The project is intended to proceed, as I've said, on the basis of encouragement. Those who have facilities that meet the standards of the evaluating team would be rewarded in the form of recognition for their efforts on behalf of persons with disabilities. Those who do not meet the standard would not be actively discriminated against, of course.

The development of accessibility standards will be a continuously evolving process and will take into consideration the effects of reduced or limited mobility, vision or hearing as well as the needs of individuals who are in fact blind or deaf.

Initially, the founding partners concluded that the team would remain small, to move rapidly to get on with this initial planning phase. Once the phase is complete, then membership, we hope, will expand to other local organizations representing the disabled.

The project would operate by providing the private sector businesses and non-government organizations with the opportunity to affix a sticker or decal on the window or door of the business to show the level of accessibility that they have achieved.

Standards that will be looked at include the following aspects: the entrance to the facility, accessing of services, washrooms, safety, and information and communication.

It is expected that the benefits of this project will be that businesses can use the designation as a marketing vehicle; the disabled community will use the designation to affect their choice between competing services and it will act as a third-party testimonial and build credibility; it will promote the inclusiveness of the disabled community within the greater Ottawa community; and it will put the spotlight on accessibility rights issues.

In the past six months, the Ottawa Accessibility Alliance project team has been busy looking at various standards that exist already, such as the Americans with Disabilities Act, the DPCR accessibilities assessment checklist, the work of various Ontario disability advisors, and also, of course, the somewhat extensive experience of the founding members, who all represent various aspects of the disabled community.

The assessment criteria will be continuously revised to meet the ever-changing demands of its users. The project team will launch a focus group program whereby the criteria will be tested, and then it will be extended to the broader public. We are hoping to hire some students this summer, through some funding, to make a start on some of these aspects of the project.

We've gone into some detail about this project because we believe it offers a very positive approach to what in the past has been a controversial aspect of accessibility; namely, the response of the private sector. In the past, the excuse of cost and impracticability has been used to avoid simple improvements. We have heard that some information coming from, for instance, the Americans with Disabilities Act has suggested that the average cost of accessibility improvements to businesses is in the range of a few thousand dollars, which for an average business is not very much. Obviously, there are cases where small businesses in older premises would find such improvements a much more significant cost, and allowances should be made. We would presume that this would be covered by subsection 6(6) of the act whereby different classes of persons may be created for the purposes of standards.

We are confident that the general response of Ottawa businesses to our project will be positive. We think that the Ottawa business community would welcome the opportunity to show that they have embraced the principle that the disabled are entitled to the same access as everyone else. We are confident that the same would apply to the rest of Ontario. The application of Bill 118 to the private sector is therefore a natural progression of current trends.

**The Chair:** Thank you for your presentation. We have time for some questions, if there are any; otherwise, we thank you. We also have the written material you have provided—

**Mr. Pomroy:** Not yet. It will be coming.

**The Chair:** Thanks very much for that, sir.

#### UN WORKING GROUP FOR THE PROTECTION OF PERSONS WITH DISABILITIES

**The Chair:** We go back to the UN Working Group for the Protection of Persons with Disabilities. Welcome. We were a little fast; that's why we jumped. We are happy to go back. You can start any time, madam.

**Ms. Erin Elizabeth Fitzpatrick:** Thank you very much, Chair. Good afternoon. My name is Erin Elizabeth



Fitzpatrick. I'm very pleased to be here to present my submission in respect of Bill 118.

To start, just a brief introduction to give you a slight bit of background on the perspective from which I'll be speaking this afternoon. I've had the privilege and opportunity to be a graduate of the joint program at McGill University in law and social work. Thus, I visit the issues we're looking at today through a dual lens, from both a legal perspective and that of a social worker. Clearly, the issues we're looking at today are a perfect intersection of an example of how the integration, accessibility and rights issues that we face today in Bill 118 are so crucial from both a legal perspective and those of a social service provision perspective.

1710

I've had some experience, as an integration worker and special-needs coordinator with the city of Toronto, to have the opportunity to work with clients in a social service perspective, also working at the Montreal Neurological Hospital for my social worker internship and more recently, in a legal perspective, as a lecturer at the faculty of medicine in law and psychiatry, having now completed my law degree.

Moving on to the more pertinent issues of the day, the examination and analysis of the legislation that we have in front of us: Having had the opportunity, as obviously you have, to receive the comments of the very well informed groups that have made depositions over the past week, I have had the requirement to revise my comments several times in light of the detailed and well-thought-out analyses that have already been presented to you. As such, at this point, at 5:15 today there's very little left to be added that is significantly different from the comments, positions and strategies that could be proposed from either a legal or social service framework. That is because the groups you've had the opportunity to hear from are so diverse, have been so articulate and have been so committed to their individual and group causes, as I'm sure you would know better than I since I just get channel 70. Certainly this is a tribute to the deponents who have come before me. As such, I will simply be speaking to three points this afternoon: First, rights; second, heroes; and third, enforceability of legislation.

Rights: As Irwin Cotler has recently stated, "A right is a right is a right." Well, I think I have a bit of insight into what Professor Cotler means by this. Unfortunately, we know that in actual fact the provision and the enjoyment of rights are not equally shared, although it is a very laudable goal. I believe that is the overall purpose and the overarching goal of Bill 118.

Also recently, as our justice minister and Prime Minister have been quite preoccupied with the subject of rights, Paul Martin has said, "We cannot have a different class of rights between citizens." I think that applies equally to persons who have disabilities and to people who have physical disabilities, mental health problems, invisible disabilities, recently acquired disabilities, serious chronic illnesses which therefore render them disabled. So therefore, within the disability community,

there cannot be unequal rights. That is something that I believe has not yet been adequately emphasized at these hearings.

The concept of rights is obviously a fundamental principle, which is something that, from a legal perspective, I could go on and on about. However, the important thing to note about rights as they pertain to Bill 118 is, how can the rights of persons with disabilities be realized with the assistance, governance and guidance of this legislation? How can we actualize the rights that are meant to be granted by Bill 118?

I believe that is the crux of the issue. I believe we are past the point of debating whether or not persons with disabilities are deserving of rights. I'm so pleased that that is not an issue in Canada, whereas, as a member of the UN working group, I can tell you that in other countries it is still a very real issue. We are very privileged in Canada to at least have on paper the acknowledgement that persons with disabilities are equal rights-bearing citizens. I will speak more about the enforceability of rights in my third point.

Moving on to my second point, heroes: This too is very pertinent to Bill 118. One of the deponents here spoke quite a bit about heroes within the disability community: Terry Fox, Rick Hanson, that sort of thing. What are the qualities that we admire in our Canadian and our international heroes?

This got me thinking. I thought, first: courage. Terry Fox is obviously a brilliant example of courage. But what about the child with asthma who has finished the Terry Fox run without being teased by his classmates?

Second quality: strength. Rick Hanson is a phenomenally strong man in many respects. But what about the mom who constantly has to lift her child in a wheelchair over tons and tons of curbs, and up flights and flights of stairs?

Third quality of a hero: excellence. Well, we know about Superman and, most recently, his life in a wheelchair. But what about all the unrecognized supermen who actually get up, get dressed and go to work after having taken their antidepressants, and who function through a day without ever having acknowledged the challenge it is to behave like a person without a mental health problem when they are actually struggling?

The fourth quality of a hero, in my personal opinion, is faith. What some people would recognize as one of our international heroes would be Mother Teresa. But what about the people who privately use faith to get them through a day with a disability?

I think it's important to focus on these qualities and recognize, as I will tie in my third point, that these are qualities in the everyday heroes who function and support those members of our society who have disabilities. As you've seen, people who have come before you have pointed out their disabilities and shared their struggles. I believe those are heroic acts that ought to be acknowledged. What is unfortunate is that it's necessary to have a piece of legislation to allow them to enjoy the

same rights that the rest of Canadians enjoy without legislation.

The third section, of course, is enforceability. As per paragraphs 1 through 3 of subsection 21(6), the bill does discuss, of course, its proposed enforceability. I believe you've heard many people express their concerns about the enforceability of the legislation. Hence, I'm going to leave that aside for the written comments which I will be submitting. But I'd like to point out in my oral submissions today, in terms of enforceability of legislation—what I'd like to share with you is, according to lawyers with disabilities and lawyers working on behalf of those with disabilities at the UN working group, that that is the most pertinent issue, owing to the governance of international laws, as I'm sure you can imagine. This is something that we've spent a lot of time discussing and trying to come up with solutions.

The crux of the matter here in Ontario is, why is Bill 118 needed? We have a Charter of Rights, subsections 15(1) and (2), which grant already the rights that are discussed in Bill 118. Further to that, we have the Ontario Human Rights Code, which also already discusses and enshrines the rights that are granted in Bill 118. Further to that, we have the Ontario building code, which should also in part cover these rights. Further to that, as you heard from the university representatives earlier, there are policies at each and every university in Canada. Further to that, every workplace has a non-discrimination policy, and I could go on and on.

1720

So the question is, why is Bill 118 necessary? Why are we introducing a piece of legislation when we have, federally, provincially and municipally, already acknowledged and on paper and theoretically protected the rights of persons with disabilities? That leads me to the question, what sort of enforceability mechanisms have failed in the aforementioned pieces of legislation, and what can we do to ensure that the enforceability mechanism, though very well intentioned, in the above pieces of legislation on various levels that I've just described—how can we ensure that the purpose that has been so carefully crafted in Bill 118 actually comes to fruition so the very hard work is not wasted?

I'm pleased to take any of your questions, should there be time.

**Mr. Marchese:** And the answer is?

**The Chair:** I'm going to go to you, Mr. Marchese. One minute.

**Mr. Marchese:** That's the crux of it, right? That's what I've been saying. It's a fundamental weakness of the bill. If you don't have an enforcement mechanism, what do you as a lawyer—

**Ms. Fitzpatrick:** Well, I propose that part V, subsection 21(6), be struck. I propose an enforceability mechanism that actually holds the private and public sectors to account and that there are mechanisms put in force such that there are actual consequences for not meeting the stipulated guidelines, such that there are realistic consequences similar to those in other fields: If

you break an environmental code, there are consequences. Look how quickly businesses and industries were brought into line. There are many examples of how enforcement can actually be realized in a timely manner, not in 20 years.

**The Chair:** Any comments, Mr. Ramal, as the PA?

**Mr. Marchese:** Follow up on that.

**Mr. Ramal:** Yes, I definitely want to follow up on that. With respect to analogy, I agree with you in terms of many different countries talking about whether the right exists or not and people fighting about the definition of "right," and at least in Canada we have it on paper, and as a matter of fact actually enforced and heavily protected by the law—more than just on paper.

**Ms. Fitzpatrick:** I agree. For many people that's very true. I'd like to acknowledge that the progress we've made is wonderful. I think we just need to keep going in the proper direction.

**Mr. Ramal:** As I mentioned, I had the privilege to visit many different countries. We have—

**Ms. Fitzpatrick:** You should take me with you.

**Mr. Ramal:** Yes.

There's no comparison. We live in a wonderful province, a wonderful country, and we have a wonderful government to protect the Human Rights Code.

I want to tell you about the 20 years—I'm just going to go back on it. The 20 years is just the ending time. It's not like—

**Ms. Fitzpatrick:** I appreciate that.

**Mr. Ramal:** It's going to be incremental.

**Ms. Fitzpatrick:** I know there's gradual implementation.

**Mr. Ramal:** We've talked to many advocates, and we share with them their concern. We think we can work it out. But the 20 years is the ending.

Going back to the enforcement mechanism, we have two clauses—I don't know which section number—talking about \$50,000 to \$100,000 penalties for an institution or individual who doesn't comply with the bill. Do you think that's enough—

**Ms. Fitzpatrick:** No. Actually, I don't.

**Mr. Ramal:** What's your recommendation?

**Ms. Fitzpatrick:** First of all, in terms of language, it can't be optional and it can't be self-regulated. If I can just grab the section here myself, to be precise, in terms of the development standards committees, there needs to be an—I'm not sure how concisely I can answer this, but just to give an overview, I have concerns about the concept of the standards committee, owing to the fact that it seems to be more arm's length than as outside and independent as I would think it's necessary to be.

**Mr. Ramal:** It's not stated yet, though.

**Ms. Fitzpatrick:** I know, and that brings me to another point in terms of the regulations. If you get me going on what is undefined and what is left to regulations—

**Mr. Ramal:** I guess the Chair will stop us anyway.

**Ms. Fitzpatrick:** I know, but including the failure to define "accessibility." Leaving such things as access-



ibility undefined is gravely concerning to me, owing to the fact that the bill is actually called—

**The Chair:** Thank you very much for your presentation. We are also waiting for your written material so all the members will be able to—I'm sure there's a telephone number there that Mr. Ramal or anybody else can use.

**Ms. Fitzpatrick:** Thank you again for your time. I'd like to say, of course, that we're so encouraged by this and we're very much looking forward to progress.

#### FOR THE RECORD PRODUCTIONS INC.

**The Chair:** The next deputation is from For the Record Productions Inc., Peter Reynolds. Is Mr. Reynolds here? You have 15 minutes in total.

**Mr. Peter Reynolds Jr.:** Thank you very much. I'm Peter Reynolds and this is another Peter Reynolds and this is Enza Iovio. We are with Deaf TV. Enza Iovio will be signing our written presentation.

**The Chair:** Please proceed.

**Ms. Enza Iovio (Interpretation):** Good afternoon. My name is Enza Iovio. I'm a professional actress, teacher, artist, and I'm also the co-host of Deaf TV. These are my colleagues, Peter Reynolds Jr. to my left and Peter Reynolds Sr. to my right. They have been working with the deaf community for several years and specialize in producing videos in American Sign Language. Peter Sr. is a veteran CBC and CTV television producer. He created Disability Network, now called Moving On, the long-running series on CBC television. He also created Silent News, a news program in American Sign Language that was aired on CBC Newsworld.

We would like to tell the committee about Deaf TV and how it relates to Bill 118's vision of a barrier-free Ontario. It is a broadcast voice for deaf Ontarians. Deaf TV is a half-hour news and public affairs television program. It is produced entirely in American Sign Language. It will be aired weekly throughout Ontario on OMNI Television, and across Canada on Bell ExpressVU.

The pilot of Deaf TV has had an incredible impact on the deaf community in Ontario, especially for people like myself whose first language is ASL. Seeing their language and culture front and centre on television has been an empowering experience for many deaf people, particularly the young.

Rogers Communications funded the pilot episode of Deaf TV, which has already aired on OMNI Television across Ontario. A copy of the pilot episode is part of the information kit we have prepared for the committee.

OMNI Television will air the series but will not support it financially. Therefore, we must look elsewhere for sources of funding. Because Deaf TV can guarantee the delivery of information to deaf Ontarians in every corner of the province, we saw the government as a natural partner, one who would be interested in offering financial support. Encouraged by the culture minister's office, we have approached government ministries to commission

Deaf TV to produce sign language versions of press releases, alerts and so forth, which would be distributed on DVDs and the Internet and broadcast on Deaf TV. The money thus raised would be used to fund the Deaf TV project. In other words, we're not asking for hand-outs, but offering a real and valid service with real benefits. Copies of these two proposals, one to the Ministry of Health and one to the Ministry of Citizenship, can be found in your information kit. Any advice the committee may wish to offer us regarding this funding strategy would be greatly appreciated.

#### 1730

Now I'll move on to our recommendations. The biggest challenge we have faced thus far in producing Deaf TV is in countering the widely held belief that closed captioning fills the communication gap between the deaf and hearing worlds. As I'm sure many of you know, this is not the case. Closed captioning does not take into account the unfortunate fact that many deaf people have poor literacy skills. The only guaranteed way to accurately deliver information to these consumers is through the use of their first language, which is sign language. This reality of the deaf community should be reflected in Bill 118.

We believe that Bill 118 should specifically take into account the information needs of people whose first language is American Sign Language, ASL, or langue des signes Québécoise, LSQ. Ministries, when formulating information policies and mounting information campaigns, should be required to include ASL and/or LSQ delivery systems such as DVDs and broadband video streaming. For example, these hearings are not captioned on the Internet and are therefore not accessible to the deaf, deafened and hard of hearing communities.

Finally—and this may not relate directly to the bill—the Ontario government needs to do more to raise awareness of the deaf community amongst its own employees. We would also make the same recommendation to the political parties. You can't help a cultural group that you do not understand. We would welcome the opportunity to share our insights with members of the committee in more detail.

Thank you for the opportunity to make this presentation. We are ready to answer any of your questions.

**The Acting Chair:** Ms. Wynne, please.

**Ms. Wynne:** Thank you very much for coming today. A couple of questions. Have you spoken to anyone at TVO?

**Mr. Peter Reynolds Sr.:** No, we actually haven't spoken to anyone at TVO. We have an indirect connection with TVO. We work with the Canadian Cultural Society of the Deaf, who have a children's program in ASL called DeafPlanet airing at the moment. But we have not talked to them about this particular project, no. We've talked to CBC; we've approached CTV and other broadcasters, but not—

**Ms. Wynne:** It just seems to me that that might be a good conversation to have.

The second thing I wanted to ask you is, you talk about the closed captioning issue and the literacy skills issue. Two things coming out of that: I've met with Gary Malkowski a number of times, and I also studied linguistics in my youth. I've met with Bob Rumball; the Bob Rumball Centre is in my riding. I know that there is an ongoing discussion about ASL and signing English and lip-reading and auditory-oral. Are we far enough along in that debate to basically put the sign of approval on ASL/LSQ? I'm asking you as folks from the community.

**Mr. Reynolds, Jr.:** Enza, I think, would be a much better—

**Mr. Reynolds, Sr.:** I'd like my colleague to answer that.

**Ms. Iovio (Interpretation):** Most definitely. I think it's very important. ASL and LSQ are our first languages. Closed captioning follows written English, which isn't necessarily the first language of deaf, deafened and hard of hearing individuals. There are many deaf individuals who struggle with literacy issues. If the programs were produced in ASL, in their first language, they would have access to so much information. They've unfortunately been left behind in many circumstances. It would bring them up to what in fact is going on in the hearing world. It would make it a more even playing field.

**The Acting Chair:** Quickly, Ms. Wynne, please. I want to give Mr. Marchese an opportunity.

**Ms. Wynne:** So then the issue in Bill 118, as part of the standards discussion, is that you want ASL to be part of whatever the standard is.

Could you just explain to me what "cultural deafness" means? That term has been used.

**Ms. Iovio (Interpretation):** Deaf people use a unique mode of communication called a visual language, which is sign language. You've got me there. I'm just thinking on the spot. It's an official language, is more the point, that needs to be recognized officially.

**The Acting Chair:** Since no one's here from the PC caucus, I'll go to—

**Mr. Reynolds, Jr.:** Perhaps I could just comment shortly on what you were saying with regard to whether we've ended that debate.

From the letters and e-mails we've been getting, I think that for the people who have watched Deaf TV, the debate is over. Just a quick excerpt from a letter here. It says: "My son ... is deaf, and he loves to watch Deaf TV. Most of the time he can't understand what's going on on TV, and sometimes it really disturbs him that everyone understands the TV shows except him. He was very excited when he first watched Deaf TV, and he said to me that he saw the whole show and understood everything completely." I just think that's an example.

**The Acting Chair:** Mr. Marchese, please; a couple of minutes.

**Mr. Marchese:** It's interesting, the question that you asked, Kathleen, because I heard the phrase "cultural deafness" and didn't have a chance to ask the previous

person. It has happened in this committee and we never got an explanation of that.

I wanted to talk about the whole issue of awareness. Everybody has talked about raising awareness of the many disabilities that have come before us—people advocating respectively on whatever issue they were talking about. That's something the government has to come to grips with. It is my belief that the government has to build in an education component that is able to legislate the educational system province-wide to talk about the discrimination that happens to all people with disabilities and to raise awareness of those rights that people ought to have. We need to play a role in that regard.

I want to say that when Gary Malkowski got elected in 1990 with the New Democrats, much changed in the Legislative Assembly as a result of his election. It's incredible how the election of an individual with a disability can create immediate awareness in the assembly. The changes that were made have become permanent, so one simple thing like that can help to make many changes.

I want to say that I support the television programming that you're doing. It isn't just a matter of receiving information by way of captioning, or just interpreting through sign language. The ability to produce a program that speaks to people with hearing problems is important, and that's where I always argue that because yours is not a commercial enterprise, governments have a role to play in helping to fund it. If we don't do it, that means we shut you out and we continue with a form of discrimination. I hope we can get support for you as we go.

1740

**Mr. Reynolds Sr.:** I'd like to follow up on what you say. Of course, I applaud totally what you're saying. Let me just very briefly tell you the history of Moving On, which is now on CBC. It is now a CBC official program. It began as a small regional program on CIUT, funded by the Peterson government. Then it became a television program on CBC, funded partly by the Rae government and partly by the Mulroney government of the time. There was a strong political will to support this kind of programming.

That program, Moving On, for which I was the first executive producer, is now the only weekly television public affairs program devoted to disability issues in North America. That began with a small grant—I believe it was \$30,000—from the government of the time. So I am very much an advocate of government support, at least initially, to jump-start projects like this.

The other thing I wanted to say—you talk about awareness. We envision having a deaf TV reporter or reporters in the Legislature, the building. Boy, will that raise awareness.

**The Chair:** Thanks very much for your presentation.



## HOWARD EDEL

**The Chair:** We are going to hear a presentation from Howard Edel.

**Mr. Howard Edel:** Thank you, Mr. Chairman and committee members. I come with the perspective of a parent with a physically handicapped child. What I bring to you—we have handed out my presentation—is the implementation of your new bill to transfer the control of the refunds for vehicle modification to the Ontario March of Dimes. From my perspective and from my daughter's perspective, it's a significant step backwards. It's forward in giving more money, but it's backwards in implementation.

If you look at my presentation, you will see that the disabilities act talks about every organization in Ontario being responsible. Well, I'm sorry if people like the March of Dimes seem to take that to a different level. We have gone from a one-page form and a doctor's signature to a seven-page form and a request for tax information, so I think there's a problem with the Ontario March of Dimes' management of the program.

There's an issue with the access statement: "Guidelines state that all applicants must make reasonable efforts to access other available sources of public or private funding...." If the governments took their program and handed it to them, what other one is there? I don't get it, and nobody else gets it. We've called these other so-called organizations identified, and they say, "No, we've never been involved in that." It just seems unconscionable that they don't take this seriously.

Secondly, there's a disrespect. This is what this form says and gets a person to sign: "I understand and agree that the Ontario March of Dimes may carry out inquiries," and all these words, and then it says, "The Ontario March of Dimes will not be responsible for maintaining the confidentiality of any information given to or received." Why are disabled persons treated in this manner?

Issue 3: They ask for excessive documentation, for tax return information. That was never part of the deal. We just filled out the form saying we wanted the Ontario retail sales tax back on this vehicle, these are the modifications we made, the doctor said yes, you needed it, and that was it. You got your money. Now we spend six weeks filling out forms and phoning people, only to be told, "You've still got to give us your tax information." This is not acceptable. They're telling us that they won't respect our confidentiality. I don't know who gave them that authority. It's just not acceptable.

I have to say that the intent is good. You're now going to reimburse the total repairs for lifts and accessibility to vans, which previously wasn't there. You just gave the retail sales tax back. Now it's expanded to the total cost, which in most cases is at least double. So you have done something, but the organization implementing it just doesn't get it.

My suggestion is that when the government transfers these kinds of things to non-government organizations—

and that's what I'd call the Ontario March of Dimes—there need to be clear regulations to facilitate universal access, none of this business of a means test. Who gave them the right to do a means test? That never was part of the activity.

Institute a user complaints process to a government authority who can review the program and the regulations. Is there a contract with the NGO, in this case the March of Dimes, that says what they have to do on behalf of the government? Through the contract, the NGO should be maintaining confidentiality. It is totally unacceptable not to have confidentiality maintained.

I really think disability client access to provincial funding support is unduly complicated. The management structure requires excessive documentation, and it implies preauthorization for a process of making modifications to a car. What do these people expect you to do? You just go to the authorized maintenance people who do these modifications; there's not a big choice in what you're going to do here.

I respectfully submit that some mechanism of review and adjustment of those activities of the Ontario March of Dimes be undertaken to make this a more accessible program. Thank you.

**The Chair:** Mr. Marchese, any comments?

**Mr. Marchese:** I will leave it to the government members to ask some questions.

**The Chair:** Mr. Parsons?

**Mr. Parsons:** We don't have a question, but don't take that to mean we're not interested. You've raised some points that, quite frankly, we weren't aware of, and we will certainly follow up on them.

**Mr. Edel:** I can tell you that my member of Parliament, Mr. McNeely, was not aware of it, and when I brought it to his attention in December, he said, "Try the process; it should work." I'm sorry. It's not working. It's six weeks later, and it's not working.

**Mr. Parsons:** We only know what we're told. We thank you for bringing that information to us.

**The Chair:** By the way, that is the purpose of our meetings: to hear what everybody has to say so we can potentially incorporate it into what we're going to do. By raising this, you have done us a major favour. That makes something clear to us, and then we decide what we would like to do. Thanks very much for your presentation.

1750

## DISABLED AND PROUD

**The Chair:** The last presentation on my list is Charles Matthews, from Disabled and Proud.

**Mr. Matthews:** I just want to touch on a couple of issues that were brought here during the day so my speech will be relevant. In regards to the city, by the way, I must make a correction. I've mentioned to the city that it would take approximately 150 years for them to go through the retrofitting to make the buildings accessible. The figure brought forth today was \$15 million, rep-

resenting 30%, so it works out to \$5 million per 10%, so \$50 million. Budgeted at half a million dollars a year, it will take 100 years, not 150.

**Mr. Marchese:** That helps a lot.

**Mr. Matthews:** We're supposed to have everything done in 20 years. I think the city's getting the message. The city also mentioned something about the penalties involved. We want to see the penalties, and you'll hear that in my presentation.

Good evening. My name is Charles Matthews, and I'm the president of Disabled and Proud, an independent voice of the disabled community. It might be unwise to present last at a committee like this, as most of you are exhausted, especially after arriving in Ottawa very early in the morning. But I like this position, as I can put forward to you the items that have been missed by other entities.

The problem—or should I say delight?—is that I think everything has been covered in these five sessions. If you take inventory of what has been presented and actually implement the amendments being called for, you will have a complete piece of legislation. You have heard so many voices from the public over the last few days, and the majority have shown you that the direction you're going in is the right one but that you need to fine-tune this legislation to make it strong, effective and as enforceable as possible.

The disabled community has been suppressed for such a long time that we want to make sure we don't get just another piece of window-dressing legislation. If I have understood Bill 118 correctly, as others have, it is the ultimate goal of the AODA to make Ontario totally accessible by the year 2025, and there will be requirements to show the progress being made along the way, with timelines. According to speeches from the minister, we'll see some of these standards come into place starting this fall and many will also be put into place within the first year.

Therefore, our first recommendation: Start the legislation with a preamble that sets out the goals for the act. The ODA Committee, headed by David Lepofsky—we were asked to consider a petition today, and I hope all parties take it into consideration, that David Lepofsky, because of all the work he has done, and the ODA Committee, be given a little extra time, because they are actually the grandfather of a lot of this work. We are a proud member of that group, and they filed with you their 54 recommendations, which I feel should all be incorporated into this bill. This group has been working for years to see a strong and enforceable ODA put in place. They are possibly more knowledgeable than any other entity in this country on what is needed to make this legislation strong.

Therefore, recommendation 2: Incorporate all 54 recommendations of the ODA committee into the bill. In addition to the recommendations from the ODA Committee, you have heard from others with their specific needs, and we are no exception. We have strongly supported the ODA Committee since our inception in

2001. They are the voice in setting up the legislation. We have given a lot of input into the committee, but our group is one of many others who actually have applied the ODA 2001.

I'd like to point out that we were the first to bring a court case on the ODA. When we started the case, it was referred to as Bill 125, and later in the case, as actual ODA, 2001. It was the case of Zachary Bonnah, and we won. We approached the ODA Committee on many occasions to help with implementation and actually taking this to court, but even the ODA Committee had stated that in cities such as Windsor and Cornwall, where we were going to represent a couple of people, the committee did not apply the act but that its mandate was to create this legislation. At first I was beside myself, but then I came to understand the tremendous task the ODA Committee was doing. We started to ask the government directly, and we got nowhere. The last resort was to try to influence the MPPs, including the Premier himself, to implement and bring some of these cases to court. Basically, we were told, when a case is going before the courts, that "We can't comment on it." So how could we apply any of this? Many MPPs went on to say that they were actually taking a wait-and-see approach to see what the communities out there, scheduled organizations and the municipalities would do on their own.

In light of this, we recommend our third point: Set up an independent group or entity to monitor the progress being made with the act. Have this same entity highlight or praise those who are making this legislation work and help those who need more guidance or incentive to achieve the results called for in this act. The third aspect of this entity would be to help and guide those who are implementing the legislation and to act as a resource for those applying the act before the courts.

Our group strongly supports the ODA committee's recommendations 53 and 54. We do not need the private sector to depend on government funding to make their entities accessible. The financial gains and moral implications alone should be enough incentive to make things accessible.

There are three stories I'd like to share with you about this.

We assessed a grocery store and suggested that an accessible ramp be put in. The owner did it to please a few potential customers. Two months down the line, he came to us and stated, "I had no idea how wonderful that ramp was that we put in. Bringing my inventory into the store is so much easier that if I had taken the time to think about it, I would have done it years ago."

From an article in the May 2004 edition of *Access Now*, the paper you saw this morning, there was a small question-and-answer that actually came from a reader:

"Question: It seems like everyone is talking about wheelchairs. I do not use one, and none of my friends do either. Why should I bother making my home wheelchair accessible?"

"Answer: Eliminating steps not only helps those in wheelchairs but makes things easier for everyone. Think



about it. Wouldn't it be easier if you could wheel your luggage right from your living room to the car? Wouldn't it be great to take the grandkids for a walk and wheel the stroller right into the house? Imagine how much easier grocery shopping would be if you could unload groceries into a small cart and then roll them right into the kitchen. Think wheels, not wheelchairs."

The third is about this hotel, from about three or four weeks ago, on January 12, when you did a pre-budget consultation. I was talking with the administrator here and they told me that since they put that ramp in front, hardly anybody uses the stairs any more. Most have luggage on wheels, and it's so much easier to use that ramp rather than try to navigate the stairs.

Also on January 12, I had the honour of addressing the pre-budget hearings. I asked that the government set up funds for this upcoming act in order to implement the requirements that needed to be done in the coming year. I also stated that if these funds were not used, they should be put into reserve for other accessibility projects. I also suggested that when you save money on a project because you make it accessible, you should take these funds and add them to the reserve so you have resources for new projects.

Therefore, our point 4: Set up reserve accounts for accessibility projects and also use those reserves only for accessibility projects.

#### 1800

Standards and requirements may take a while to set up. Many entities feel that they do not have to do anything until this new legislation takes effect and standards that tell them what they have to do get set up.

We are recommending that there be a clause specifically stating that the ODA, 2001, still be in force until such time as the new legislation comes into force. Section 21 of the ODA, 2001, was never proclaimed. This penalty phase is so small in character compared to what is coming in this new legislation, it might be well served to—recommendation 6—proclaim section 21 of the ODA, 2001, immediately so entities can use this as an enforceable clause that is not so damaging right now. In light of this, we'd all like to see everything being given a limit to the amount of time before a section is pro-

claimed. Let's face it, we still haven't had section 21 of the last act.

We're proposing that within two years, if the section is not proclaimed, it would automatically come into force after that two years. After the bill gaining royal assent, the whole act will be deemed to be proclaimed after two years.

Summary timelines: for the year 2005, continue with your yearly requirements for annual plans by the entities described—the municipalities or scheduled organizations; for 2006, the same yearly requirements for annual plans, plus the new standards that you're putting into place; starting in 2007, start three-year stages, which will give you a total of six, and that will bring us to the year 2025 to make everything fully accessible.

Recommendation 8, the last one: Seeing that everything is to be totally accessible by 2025 and new construction will be anticipated to be around in 2025, all new construction can be made totally accessible immediately—any new construction—and these stages be set up for retrofitting purposes.

As far as all the other entities, the accessibility features other than infrastructure, they start being implemented right away, like trying to get rid of the attitudinal barriers. Please note that education is the key. The first barrier you must try to eliminate is the attitudinal barrier. For once that is done, all the other barriers will start coming down.

In conclusion, please make us all disabled and proud.

**The Chair:** Thank you for your presentation. No questions?

**Mr. Leal:** No questions from the Conservatives? Oh, they're not here.

**The Chair:** It's the last presentation, and I thank you very much for it. It has been a pleasure to be here in Ottawa. We saw you twice, and many others. Hopefully, we will be able to come up with something that all of you will be able to, to some degree, appreciate. I know that's the objective. Thank you again.

We will be meeting again in Toronto. The clerk will be arranging the next meeting, and she will notify us. Enjoy the balance of the evening.

*The committee adjourned at 1805.*





*Continued from overleaf*

Queen's University, Office of the University Advisor on Equity .....	SP-808
Ms. Jeanette Parsons	
Jordan Heritage Resources.....	SP-810
Ms. Diane Gallinger	
National Federation of the Blind: Advocates for Equality, Ottawa-Gatineau chapter .....	SP-812
Ms. Melanie Marsden	
Ms. Kim Kilpatrick	
Mutchmor School Council.....	SP-814
Ms. Megan Wallace	
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Mr. Stephen Finnamore	
Multiple Sclerosis Society, Ottawa chapter .....	SP-819
Mr. Chris Pomroy	
UN Working Group for the Protection of Persons with Disabilities.....	SP-820
Ms. Erin Elizabeth Fitzpatrick	
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## Legislative Assembly of Ontario

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## Assemblée législative de l'Ontario

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# Official Report of Debates (Hansard)

Monday 28 February 2005

# Journal des débats (Hansard)

Lundi 28 février 2005

**Standing committee on  
social policy**

Accessibility for Ontarians with  
Disabilities Act, 2005

**Comité permanent de  
la politique sociale**

Loi de 2005 sur l'accessibilité  
pour les personnes handicapées  
de l'Ontario

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## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
SOCIAL POLICYCOMITÉ PERMANENT DE  
LA POLITIQUE SOCIALE

Monday 28 February 2005

Lundi 28 février 2005

*The committee met at 1531 in room 151.*ACCESSIBILITY FOR ONTARIANS WITH  
DISABILITIES ACT, 2005LOI DE 2005 SUR L'ACCESSIBILITÉ  
POUR LES PERSONNES HANDICAPÉES  
DE L'ONTARIO

Consideration of Bill 118, An Act respecting the development, implementation and enforcement of standards relating to accessibility with respect to goods, services, facilities, employment, accommodation, buildings and all other things specified in the Act for persons with disabilities / Projet de loi 118, Loi traitant de l'élaboration, de la mise en oeuvre et de l'application de normes concernant l'accessibilité pour les personnes handicapées en ce qui concerne les biens, les services, les installations, l'emploi, le logement, les bâtiments et toutes les autres choses qu'elle précise.

**The Chair (Mr. Mario G. Racco):** Good afternoon to everyone, and thank you for being here. I just wanted to welcome all of you to the meeting of the standing committee on social policy, which will be considering Bill 118, the Accessibility for Ontarians with Disabilities Act.

Before we start, I would like once again to point out several features that we hope will help to improve the accessibility for those who are participating in and attending meetings regarding Bill 118. In addition to our French-language interpretation, we will be providing at each of our meetings: closed captioning, sign language interpreters and two support services attendants available to provide assistance to anyone who wishes it. They are the people at the back.

The meeting today in Toronto will be broadcast on the parliamentary channel, which is available on cable TV tomorrow. Also, these meetings will be Webcast on the Legislative Assembly Web site at [www.ontla.on.ca](http://www.ontla.on.ca).

## SUBCOMMITTEE REPORTS

**The Chair:** The first item on our agenda is the subcommittee report dated February 18, 2005.

**Ms. Kathleen O. Wynne (Don Valley West):** Your subcommittee on committee business met on Friday, February 18, 2005, and recommends the following with respect to future meetings on Bill 118, An Act respecting

the development, implementation and enforcement of standards relating to accessibility with respect to goods, services, facilities, employment, accommodation, buildings and all other things specified in the Act for persons with disabilities:

(1) That the committee invite staff from the Ministry of Citizenship and Immigration for a briefing on Monday, February 28, 2005, at the committee's regularly scheduled meeting time.

(2) That any reasonable interpretive means to communicate with persons with disabilities be utilized where suitable during the meeting on Monday, February 28, 2005, and during any future meetings for clause-by-clause consideration of Bill 118.

**The Chair:** Any discussion on the matter? There is no discussion. Those in favour of the motion? It carries. Everybody is in favour of it.

The second item on the agenda is the subcommittee report dated February 22, 2005.

**Ms. Wynne:** Your subcommittee on committee business met on Tuesday, February 22, 2005, and recommends the following with respect to future meetings on Bill 118, An Act respecting the development, implementation and enforcement of standards relating to accessibility with respect to goods, services, facilities, employment, accommodation, buildings and all other things specified in the Act for persons with disabilities:

(1) That the committee meet for the purpose of clause-by-clause consideration of Bill 118 on Tuesday, March 29 and Monday, April 4, 2005.

(2) That amendments to Bill 118 should be received in the office of the clerk of the committee by 5 p.m. on Friday, March 18, 2005.

**The Chair:** Are there any comments on that motion?

**Mr. Cameron Jackson (Burlington):** That doesn't quite reflect my recollection of the subcommittee meeting I attended. My understanding of what was proposed was that we begin the process on Tuesday, March 29, which I had agreed to. The way this is literally written, it limits the clause-by-clause to two days.

What I essentially agreed to was that we would begin at the earliest possible date, which is Tuesday, March 29, when the House is due to reconvene, but there are several motions, both from the Ontarians with Disabilities Act Committee and my own motions, that speak to the issue of providing sufficient time. So if that can be seen as a friendly amendment, "That the committee meet for the

purposes of beginning clause-by-clause consideration of Bill 118 on Tuesday, March 29”—leave it at that, and then the acceptance of the time frame for amendments—that, in my view, better reflects what was discussed at the subcommittee meeting.

**The Chair:** Ms. Wynne, any comments on that?

**Ms. Wynne:** My understanding was that we agreed on these dates. I'd like to suggest that we leave the report the way it is, and if we discover, in the process of going through the clause-by-clause on April 4—I believe the committee can decide to extend the clause-by-clause. So I'd prefer to leave the report the way it is, and if we need to extend, to make that decision on the 4th.

**The Chair:** Mr. Marchese, I need your wisdom on this.

**Mr. Rosario Marchese (Trinity–Spadina):** I agreed with March 29, in fact, but I'm not quite sure I remember that we said March 29 and April 4, which suggests that there are only two days.

**Ms. Wynne:** I had a calendar and I marked off the dates. We talked about March 29 and April 4, because there was a feeling that we would need to go into that second week. We agreed on two days. As I said, it can be extended. Is that not the case, Mr. Chair, that it could be extended on the 4th, if there were a need?

**The Chair:** It's my understanding that it can, but what I'm trying to do is—

**Mr. Marchese:** If that's the case, then we should reflect that in the motion; otherwise, as it reads, it reads two days.

**The Chair:** Can I go to Mr. Jackson? Before I do that, though, the suggestion is, can the motion be amended to say two days, and if more—

**Mr. Marchese:** If more time is needed—

**Mr. Jackson:** I've already proposed an amendment, Mr. Chair.

**The Chair:** Can I just hear the arguments now, and then we will get into potential amendments?

So that's what you're recommending, Mr. Jackson? I'll go back to Ms. Wynne after.

**Mr. Jackson:** The reason that the date of Monday, April 4, appeared in the conversation was because that was what I had suggested was the preferred date to begin the process, because with it being Easter Monday and the Legislature reconvening, there would be some logistical challenges for MPPs, as well as for the public, to begin the process on the very first day back. There's no question that April 4 was discussed, but it was discussed only from the point of view that that was my recommended starting date. Otherwise, I'm prepared to debate the issue at length.

**Mr. Marchese:** What's your suggestion to propose an extension?

**Mr. Jackson:** Well, I've already proposed it: Simply say that we begin the process of clause-by-clause on Tuesday, March 29. We made a commitment to David Lepofsky that we wouldn't restrain this process in any way.

**The Chair:** So you're recommending March 29, clause-by-clause. That's what you're recommending.

**Mr. Jackson:** To begin.

**The Chair:** Can I go back to the mover and see if there is an agreement? Otherwise, I can accept an amendment to the motion and we'll go to a vote.

**Ms. Wynne:** Again, Mr. Chair, I believe that in our subcommittee meeting we agreed to these two dates.

**Mr. Jackson:** We did not.

**Ms. Wynne:** I'd like to suggest that we stay with these two dates. In any case, if there's a need to extend, that possibility exists, and we will know that, because we will know how we're moving through the amendments. So we can extend that on April 4. There's nothing that restricts, and certainly we can explain to Mr. Lepofsky and anyone else who is interested that the mechanism absolutely exists to increase the number of days for clause-by-clause. But if we can get it done in the two days, then that's good.

Our goal, from the government side, is to get this legislation through, because we'd like to get the standard-setting begun. We'd really like to start on that process, and I really believe that's what the community is waiting for.

**The Chair:** Mr. Marchese, you will be next. Can I just suggest that what I have in front of me right now is a motion? I haven't accepted any amendments as of now. I will be happy to go to Mr. Jackson whenever you finish, if there is an amendment, and then to yourself. But you go first.

**Mr. Marchese:** I would like to propose an amendment to the motion that hopefully will read in a way that reflects what we were—

**The Chair:** Let's hear it, and then we'll go from there.  
1540

**Mr. Marchese:** “That the committee meet for the purpose of clause-by-clause consideration of Bill 118 on Tuesday, March 29, and April 4, 2005, and such days will increase if further time is required.”

**The Chair:** “If further time is required” is the addition.

**Mr. Marchese:** If I could speak to that, I have no interest in delaying this bill. It's very possible, though, given the number of amendments that we will be proposing and that I'm assuming others and you yourself have, that it might take more than the two days. If it doesn't take more than two days, that's fine by me. The point of adding that line is so as to not block ourselves to these two dates, because unless we state that additional time could be used if required, as it reads, we don't have to, other than our word that we could.

**The Chair:** The committee will have to make that decision, of course, to extend it, at that time.

**Mr. Marchese:** If we add this wording, it will allow us to talk about this and reflect on how many more days we might need, if any.

**The Chair:** Can I ask the mover if she is prepared to accept, and then we'll go through the formality.



**Ms. Wynne:** Mr. Chair, as I've said, I guess I don't understand why this is an issue if we have the mechanism to extend if there is a problem. I'd like to understand from Mr. Marchese, given that we've got the two days—

**Mr. Jackson:** You've got two dissenting opinions right now.

**Ms. Wynne:** You heard one date—

**Mr. Jackson:** There are three people on the committee.

**The Chair:** There is only one person who has the floor. I am trying to be flexible; otherwise I'm going to go formally on this. If we can communicate without going into the formality, fine. Can I go back to Ms. Wynne to finish her comments. Mr. Jackson, whenever you want to speak, let me know. Mr. Marchese has asked the question, really.

**Ms. Wynne:** Just in response to the confusion about the dates, one of the members of the other parties heard one date; the other member heard the other date. I heard both dates. My understanding was that both dates were the ones that were going to be decided on for clause-by-clause. I marked that on the calendar, and that's what appears here. If there is a mechanism to extend if we need to, as I understand there is, I don't understand the necessity for Mr. Marchese's amendment.

**The Chair:** Mr. Marchese, if you want to say something, and then I'll go to Mr. Jackson.

**Mr. Marchese:** I understand that Kathleen is saying there is a mechanism. The motion doesn't speak to a mechanism. Motions are usually quite precise in terms of what they request. There isn't any flexibility unless you provide some flexibility in your motion. Either we allow for a motion that gives us that flexibility or we're stuck with the two, as the motion reads. Or, by the way, I would be happy with just adding another day, in the event that we need another day. I suspect that three days should do it. I would be happy with three days, because I think in three days—

**Ms. Wynne:** Mr. Chair, is it not possible for a committee to add a third day at the time, on April 4?

**The Chair:** My understanding is yes.

**Mr. Marchese:** So why don't we say that?

**Ms. Wynne:** Why would we need to if we don't need it? We won't know.

**The Chair:** It's possible. She asked if legally it is possible. I would suggest to you that legally it is possible, but this committee has to vote on it. What Mr. Marchese is trying to do, as I understand, is to put a clause in so that it's clear that if there is a need, we have agreed in principle. But we still would have to vote, I would suspect, at the time. That's my understanding, but if I'm wrong, correct me on that. Mr. Jackson, you're next.

**Mr. Jackson:** Your understanding is correct. It's just that what we do is we surrender our autonomy to the House leaders, and I'm trying to avoid that. If we say that we will need—I had said we can begin it on that date. The other amendment was “and Tuesday, April 5, and Monday, April 11, if necessary.” So at least it had an end number of dates, but it said, “if necessary.”

My worry is that once we send this to the House leaders, it's now out of our control and in their hands. The House leaders would have every right to come back and say, “You've indicated on the face of it that you only need two days.” That's Mr. Marchese's concern and my concern, that if it only shows two dates, those are the only two dates.

We made a commitment to David Lepofsky and the ODA Committee that we wouldn't in any way restrict the ability to get the amendments put forward from him and from an extensive public hearings process. That's the purpose of us having sufficient time: to table the many amendments that the disability community has presented to us.

If it's helpful to the Chair, we can have legislative research tell us the substantive amount of input that we've had, but we're just in the process of going through all those to develop a substantive number of amendments.

**The Chair:** Let me ask our clerk, Ms. Stokes, to clarify an issue. I want her to clarify for all of us the question that the House leaders have jurisdiction on deciding on the dates. Is it correct that it is the committee that can decide that, even if the House leaders do not?

**The Clerk of the Committee (Ms. Anne Stokes):** It's up to the committee to decide its agenda. It's not time-allocated. There is no restriction on time. There was an order of the House during the recess that the amount of time was restricted, but it's up to the committee to decide how much time it wants to spend.

**Mr. Jackson:** If I may, Mr. Chairman: Except, in the previous session, there was House leaders' agreement that everything would be date- and time-sensitive. So when all reports from committees came forward, they were locked in as to the amount of time. We got caught with having stakeholder amendments that we were presenting on various bills—both the NDP and ourselves. The gavel struck at exactly 6 o'clock, and they said, “Your time has expired.”

I'm trying to avoid falling into a similar situation, and you're right: The committee does have the right to order up its agenda, which, on the face of Ms. Wynne's interpretation of the subcommittee report, would indicate that we have two days. So I just think we're doing a disservice to this entire process. We've come a long way, we're close to a conclusion, and it would be a shame to tarnish it by losing control, for whatever reason, of this issue to the House leaders' negotiating how much time we're able to finish this process in.

**The Chair:** Ms. Wynne, do you have something to add now?

**Ms. Wynne:** Mr. Chair, I'd actually like to call the question on the subcommittee report.

**The Chair:** The request has been made. I have no choice—

**Mr. Marchese:** No, Mr. Chair. I have an amendment. We should vote on an amendment first.

**Ms. Wynne:** I'll call the question on whatever's on the floor.

**Mr. Marchese:** Very good. That's fine with me.

**The Chair:** I think there has been plenty of discussion on the amendment. Do you have something to contribute on the amendment?

**Mr. Marchese:** Yes.

**The Chair:** You are the only one, and then I'll take a vote on the amendment.

**Mr. Marchese:** Yes. But if I can, Mr. Chair, just to be clear, I want to add a date—that's it. Forget about other wording that we didn't agree on. April 4 and April 11—I want to add April 11.

**The Chair:** To your amendment.

**Mr. Marchese:** There is a motion on the floor: "...Tuesday, March 29 and Monday, April 4, 2005." I want to amend it to add, "and April 11."

**The Chair:** So the amendment is that April 11 be added to the original—

*Interjection.*

**Mr. Marchese:** It is Tuesday; that's right. Sorry.

**The Chair:** What is it?

**Mr. Marchese:** It's April 4, and we meet again the Tuesday after, so April 5.

**Mr. Jackson:** Monday; Tuesday.

**The Chair:** Are you clear? I will have the clerk read for all of us what the amendment is before we vote on it. Can you read to us what the amendment is, please? That's what we are going to vote on.

**The Clerk of the Committee:** I should have this written out so that everybody is clear. I'd like to do that. I'd like to be clear on what it is. What I have at the moment, and I'm not sure, is:

"(1) That the committee meet for the purpose of clause-by-clause consideration of Bill 118 on Tuesday, March 29, Monday, April 4 and Tuesday, April 5, 2005."

**Mr. Marchese:** That's correct; that's it. It's not that complicated—exactly.

**The Chair:** So the amendment is the last two dates.

**Mr. Marchese:** No.

**The Clerk of the Committee:** The amendment is to add, "and Tuesday, April 5."

*Interjections.*

**The Chair:** Can everybody please pay attention to this? Can I have everybody's attention just on the amendment? The amendment says that two dates be added, and those two dates are—

**The Clerk of the Committee:** The amendment is to add, "and Tuesday, April 5, 2005."

**Mr. Jackson:** And Monday, April 11. That's four days. That's it. We can get it done in four days.

**The Clerk of the Committee:** OK. So it's March 29, Monday, April 4, Tuesday, April 5 and Monday, April 11.

**Mr. Jackson:** That's it.

**Mr. Marchese:** OK.

**Mr. Jackson:** That gives us four days.

**The Chair:** So there are three days—

**The Clerk of the Committee:** So the 29th, the 4th, the 5th and the 11th.

**The Chair:** The 4th, the 5th and the 11th. And the original motion was speaking to the 29th and the 4th.

**Mr. Marchese:** We're just adding two days.

**The Chair:** So basically, what we are voting on are those two additional dates, which are April 5 and April 11. Do we agree? Has everybody understood what the amendment is?

1550

**Mr. Marchese:** On a recorded vote.

**The Chair:** Can I ask, on a recorded vote, that the members vote on those two additional dates, April 5 and 11?

### Ayes

Arnott, Jackson, Marchese.

### Nays

Fonseca, Leal, Parsons, Ramal, Wynne.

**The Chair:** The amendment does not carry.

I have a motion on the floor for March 29 and April 4. If there are no more comments, I'll take a vote.

**Ms. Wynne:** And that the amendments to Bill 118 be received—the second part. You're voting on this whole motion.

**The Chair:** Yes. The entire motion. It's the entire motion that you moved at the beginning. There is only one motion on the floor. Can I please call this.

**Mr. Jackson:** I'm now going to formally challenge the efficacy of this recommendation, because this did not come out of the subcommittee. I'm not disputing that it has been tabled on the floor, but I'm disputing that that's in fact what happened at that meeting.

**The Chair:** That was my understanding, but as you can appreciate, since some of us are new at this level and there are different regulations at other political levels, I wanted to double-check. What I'm told is that the minutes had been given to all of us, and the subcommittee's recommendations can be modified at this level. Therefore, the motion is probably slightly different than what was agreed, but it's up to this committee to make a decision. So Mr. Jackson, if the motion is on the floor, we have to vote on it, in favour or against.

**Mr. Jackson:** Then I wish to speak to the motion.

**The Chair:** You can speak on it for whatever reason. You want to speak against it? I can go around again. Mr. Jackson, you're next.

**Mr. Jackson:** Mr. Chairman, by your own admission, you just indicated that this is slightly different. We've already heard from the Liberal members voting in a block against taking the necessary time to complete the clause-by-clause. That should give many of us a considerable amount of concern.

Was the purpose of the public hearings all window-dressing? Was the purpose of the public hearings to just take out an act, which creates standards and a 20-year time frame, and say, "That's it. We're not going to do



any amendments"? I thought that we went through this process in order to take sufficient time to do it properly. That's what I heard from organizations and disability groups across the province.

Ms. Wynne, in her rebuttal, said, "We can always do that. We can add some time." And yet now we have a block vote of the Liberals, saying, "No, we don't want to extend one or two days or have the flexibility."

I disagree with the clerk's flat interpretation that the committee can revisit this and extend it. If the House leaders say that that's the end of our time, that's the end of our time.

I want to be on record as saying that we need sufficient time. I'm very clear that I don't think that we need any more than three or four days in which to finish that.

Frankly, the reason that April 4 surfaced is because that was the day that I said that we should be starting the clause-by-clause. That's the only reason that that was marked. Ms. Wynne's recommendation that came before the committee only included one date. I distinctly remember it, because that's what we debated.

Now we find ourselves limiting the process before we've even received all of our amendments and before the committee has even seen a report from Elaine Campbell and Lorraine Luski, our legislative research team, in terms of all of the public input that we've received.

Believe me, we're sifting through an awful lot of paperwork. It wasn't just the public hearings; it's the extensive amount of written material that has been sent to us. I, for one, can tell you, we have a lot of amendments. I just want to make sure that we have sufficient time in order to table all of those. I just think that we're surrendering to the House leaders something that we shouldn't be surrendering. The wording should be in here to say that, and it's not. That would clearly tell me that there's a different agenda over there on the part of the Liberals.

**The Chair:** Mr. Marchese, you're next, and then it's Mr. Leal.

**Mr. Marchese:** Very quickly, I just thought that if you had four days, you'd give finality to how many days you can have for the hearings. If you say "four," that's it; you can't go any more than that. As we have it now, it's two days, with the promise that, if more time is needed, the Liberal caucus is saying that they will provide it. Now we're left with that promise. I just hope they will abide by it when the time comes.

**Mr. Jeff Leal (Peterborough):** I just want to say that we all made extensive notes during the public presentations that were made on this bill. I certainly speak as one individual who wants to make sure that Bill 118 is the finest act for the disabled community in North America.

I know my friends opposite have many more years of experience in this place than I do, but I did chair a general committee for many, many years in the city of Peterborough. When I look at the two days of hearings on Tuesday, March 29 and Monday, April 4, my under-

standing is—and I go back to my municipal days—if work cannot be concluded during those two days, the Chairman always has the flexibility inherent in that to extend additional working days. It seems to me we have that opportunity. If we don't conclude on the 29th and the 4th, if there is additional work that has to be done, we'll have that flexibility to do so.

Mr. Chairman, when I was in your position, we dealt with Bill 100, the Electricity Restructuring Act, which was a fairly extensive and complex piece of legislation. During that process we did have the proviso that if we couldn't conclude the clause-by-clause review within the set period of time, after some discussion with the members of committee, and if a meeting of the subcommittee was needed, we would extend the time. So I think we're on course to move forward. If we need some more time, we'll take it. I don't see anything particularly draconian or trying to cut off discussion or anything by moving forward with this subcommittee report.

**Mr. Ernie Parsons (Prince Edward-Hastings):** I'm going to support the motion as it is presented to us. Ontarians have waited since 1995 for this bill. I do find the irony during the earlier debate was that Bill 125 was time-allocated and the clause-by-clause was one day, in spite of the other parties asking for additional time. The minister at that time, Mr. Jackson, had one day allocated for clause-by-clause. So hopefully, if you have the two days—

**Mr. Marchese:** It wasn't much of a bill.

**Mr. Parsons:** That may very well have been it, but in spite of hundreds of amendments, one day. The argument was strong that it could be done in one day, and I accept his argument.

Perhaps if we have just the two days available, the members will be prepared to set aside some of the games and stalling tactics on the clause-by-clause.

**The Chair:** Any other comments? Otherwise, I'll take a vote. OK. Let's take a vote.

Anyone in favour of the motion? Let's have a recorded vote, please.

**Mr. Jackson:** Chair, you can't direct the recorded vote. You can ask someone—

**The Chair:** I'm sorry. I don't want it. I thought you asked for it.

**Mr. Jackson:** No.

**The Chair:** Nobody did. Anyone in favour? Against? It carries. So we have dealt with that.

The third item is the motion by Mr. Jackson, moved on February 1, 2005.

**Mr. Jackson:** Mr. Chair, you haven't done the second part of the amendment. I called for a division, so we now have to do the amendment which says we shall receive all of our—

**The Chair:** I thought there was only one motion.

**Mr. Jackson:** Was it the whole motion?

**Mr. Marchese:** They did the whole thing, Cam, yes.

**Mr. Jackson:** I asked for a division, and the rule is, if it's a simple request, it is a division. I didn't know the Liberals could overrule the Chair.

**Ms. Wynne:** So then we need to vote again?

**Mr. Jackson:** Yes, just for the record. I mean, it is on the record.

**The Chair:** If you don't mind, maybe we missed it. So we'll go back. What that means is that we voted on the motion already and it carried. So the question is, do we need a motion to undo or not?

**Mr. Jackson:** No.

**The Chair:** We just break the motion into two parts. Is that clear?

Is that what you want, a recorded vote on the original motion?

**Mr. Jackson:** No. I called for a division.

**Mr. Marchese:** He would like to divide the parts separately by vote: (1) and (2), ad seriatim.

**Mr. Jackson:** All I did was call for (1) and (2). I threw that on the record. The Chair acknowledged it.

1600

**The Chair:** That was my understanding. I asked the clerk for—

**Mr. Jackson:** I'm trying to help the clerk at this point. OK?

**The Chair:** Is it clear?

**Mr. Jackson:** From what I thought, you had approved Ms. Wynne's—

**Mr. Marchese:** Number one.

**Mr. Jackson:** We can do this all day, if you want. I'm trying to help the clerk, if you don't mind.

**The Chair:** I'll be happy if you can do that.

**Mr. Jackson:** All we need from the Chair is to ask for part 2 of the subcommittee report, call the question and that will clean it up, and your records will be consistent: the division called for. Otherwise, if we leave it alone, a division was called for and a division never occurred. Therefore, the whole motion would be thrown out until such time as we got back here to fix it.

**The Clerk of the Committee:** So a recorded vote on number 2.

**Mr. Marchese:** You want a recorded vote on the second one?

**The Chair:** Recorded vote on number 2.

**Mr. Jackson:** It doesn't matter if it's recorded. I'm just trying to make sure the clerk understands this: a division, so now we can vote on this. That's all we've asked for.

**Mr. Marchese:** Cam, can I ask you a question? If we're not doing a recorded vote on number 2, and it's the same vote as before, why do you want to vote on that separately? If it's a recorded vote, it makes sense, but if it's not—

**Mr. Jackson:** Can't we move this along?

**The Chair:** Why don't we move on?

**Mr. Jackson:** That's not the point. I'm just doing the rules, Robert's Rules of Order here, that govern all of our activities.

**Ms. Wynne:** Let's just vote again on number 2.

**Mr. Jackson:** You know what? Leave it alone, OK? I'll take it up with one of the legal counsels. Because as far as I can see from what you've done here, you've

approved section 1 and not section 2, because I called for a division and the Chairman acknowledged it, and that'll be in the report. I'm trying to be helpful.

**The Chair:** Mr. Jackson, I am happy to take a vote on number 2.

All in favour of number 2? Carried.

Everyone is in favour.

So the minutes are that we voted on number 2 and number 1.

I thank you for your advice on this. Can we then move to item number 3? Mr. Jackson, number 3.

**Mr. Jackson:** Yes. That is the motion of February 1. In the subcommittee, I asked the question whether or not the subcommittee report would precede my motion. Now we find out its relevance, because the response from Mr. Lepofsky indicated, based on my motion, that he was flattered that we were attempting to allow him to participate directly more than the 15 minutes which everyone else was allocated. But he did state very clearly in his response that he wanted to make sure "that sufficient time be taken by the social policy committee during clause-by-clause consideration to ensure that all matters presented during public hearings to strengthen Bill 118 are fully considered."

It would appear that the Liberal members of this committee have not seen fit to acknowledge that concern that was being expressed by Mr. Lepofsky and the Ontarians with Disabilities Act committee, by virtue of the simple request put forward by Mr. Marchese and myself that we at least have three or four days' maximum of hearings instead of the two maximum which sit on the current motion.

I don't wish to respond beyond that, other than to suggest that there is a real concern that we are not able to complete all of this in the allocated time. Should anything happen on the floor of the Legislature that delays the completion of routine proceedings until after 4 or, in some cases, 4:30—or heaven forbid, we lose a date—then we really are putting our back to the wall. So that section of my motion I still think is relevant today; in fact, it causes me even greater concern.

In my conversation with Mr. Lepofsky—I spent about four hours with him last Thursday—he was aware of the substantive number of amendments both that he was presenting and that others had presented during the course. He has some concerns, which hopefully we will get to in the next half hour, to be raised with the ministry officials who are here.

I'll leave it at that, Mr. Chairman. I think that was what's left in the motion, which I think is still relevant to the activities of this committee and the purposes for which we have been working together.

**The Chair:** Do any honourable members wish to speak on the motion?

**Ms. Wynne:** I would just like to be clear. Is Mr. Jackson saying that the third section of his motion—"that sufficient time be taken by the social policy committee during clause-by-clause consideration to ensure that all matters presented during public hearings to strengthen



Bill 118 are fully considered”—is the section we are still considering today?

**Mr. Jackson:** That is correct.

**Ms. Wynne:** I guess that I would just like to say that—and I'll go back to my previous comments—I have no trouble supporting this part of the motion because if there is a reason for us to extend the clause-by-clause—the clause-by-clause has been set for two days. If it's not possible to complete the clause-by-clause within those two days, it is within the absolute power of this committee to extend that time and increase the number of days, so I have no problem supporting that third part of the motion.

**The Chair:** Any other comments on the motion? Mr. Jackson, could you read the motion for the record so that everybody is clear and then I'll ask again if there are any comments and we'll go from there.

**Mr. Jackson:** Instead of asking for a division this time, I will only move that sufficient time be taken by the social policy committee during clause-by-clause consideration to ensure that all matters presented during public hearings to strengthen Bill 118 are fully considered. That constitutes the motion I wish to table.

**The Chair:** That's the only motion. Thank you. Any more comments on that motion? If that was clear, then I'll go for the vote. Anyone in favour of the motion? It carries. Unanimous support.

We dealt with number 3. Number 4 is a motion by Mr. Jackson that was moved on February 3. Can I hear what you're moving first, and then comments?

**Mr. Jackson:** For purposes of discussion, I move that the standing committee on social policy invite the chair and/or members of the Accessibility Advisory Council of Ontario to be given sufficient time to provide a detailed technical briefing to the social policy committee on the progress to date on their work to prepare sectoral accessibility standards and regulations, as mandated in section 19 of Bill 125, the Ontarians with Disability Act, 2001, to occur when the Legislature reconvenes before clause-by-clause consideration of Bill 118.

**The Chair:** That is the motion in front of us. Do I hear any comments from the honourable members on this?

**Mr. Khalil Ramal (London-Fanshawe):** I would say that the advisory committee has only been hired to advise the minister. We have no jurisdiction over this committee.

**Ms. Wynne:** I would like to draw the committee's attention to the letter that we've been given, which was received by Ms. Stokes, from the chair of the Accessibility Advisory Council, in which he makes it clear that motions to invite members of the advisory council to a standing committee are quite uncommon. It is my belief that any technical advice required on Bill 118 should be provided by staff of the Ministry of Citizenship and Immigration, as needed. For that reason, I will not be supporting this motion.

**The Chair:** Any other comments from honourable members?

**Mr. Jackson:** It's for that reason that I am prepared to amend my motion to include that we are inviting staff from the accessibility secretariat to present. In other words, change "Accessibility Advisory Council of Ontario" to the "accessibility secretariat." We're asking members to provide the detailed briefing. That is essentially what the subcommittee has already passed.

**The Chair:** Are you amending your original motion or are you trying to change the original motion? What is your intent, Mr. Jackson? I would prefer if we deal with an amendment, otherwise we may get into some confusion. There is in fact a motion, plus an amendment to the motion, on the floor. So the only discussion is to the amendment now.

**Mr. Jackson:** In fairness, why don't I just simply table the motion that the standing committee on social policy invite members of the accessibility secretariat to be given sufficient time to provide a detailed technical briefing to the social policy committee on the progress to date on their work etc.?

**The Chair:** You're tabling this and you only have the original motion on the floor. Is that what you're saying?

1610

**Mr. Jackson:** No, I've amended the original motion to reflect Chair McMahon's suggestion that he'd feel more comfortable if staff made the advice.

**The Chair:** Mr. Jackson, will you do me a big favour?

**Mr. Jackson:** Sure.

**The Chair:** I'm an accountant by profession. I deal with numbers, and I want things clear. You had the motion on the floor. Then you made an amendment to the motion. Then you suggested that you wanted to table something.

*Interjection.*

**The Chair:** It's the amendment he wants to table. There is only the original motion, which is tabled. Therefore, we are—

**Mr. Marchese:** You're asking him to rewrite his motion so that it reads in the way he suggested? He obviously doesn't want to present the motion that was before us. He wants to change it. Should he rewrite it and present it to you so that the—

**The Chair:** Yes. I suggest that would be the best way, so that there is no—

**Mr. Marchese:** Can we just recess for two minutes or something like that?

**Mr. Jackson:** No.

**Ms. Wynne:** Can I just make a comment? I guess I'm not following, because my understanding is that staff is here already. So I'm not quite clear why we would need another motion when staff is already here to answer the question. Sure, write out the motion, but—

**The Chair:** I will ask for a recess of two minutes or so until Mr. Jackson adjusts the motion and amendment in writing, and then we'll start the discussion all over again.

*The committee recessed from 1612 to 1615.*

**The Chair:** I think we've had plenty of discussion. If you agree with me, I'm going to ask the clerk to read only the amendment and I will ask for a vote once she

reads it, unless there is any clarification that's needed on what the wording of the amendment is. Would you read only the amendment, please?

**The Clerk of the Committee:** The amendment would delete the words "the chair and members of the Accessibility Advisory Council of Ontario" and replace them with "members of the accessibility secretariat to be given sufficient time" and also to delete "when the Legislature reconvenes."

So the amended motion would read, "That the standing committee on social policy invite members of the accessibility secretariat to be given sufficient time to provide a detailed technical briefing to the social policy committee on the progress to date on their work to prepare sectoral accessibility standards and regulations as mandated in section 19 of Bill 125, Ontarians with Disabilities Act, 2001, to occur before clause-by-clause consideration of Bill 118." That's being typed and will be distributed shortly.

**The Chair:** Is the membership prepared to vote on the amendment or not?

**Mr. Jackson:** I think it's clear.

**The Chair:** It's clear? OK.

**Ms. Wynne:** Yes.

**The Chair:** I want to hear, if I may, if I can take a vote only on the amendment. Does anybody disagree with that? Nobody does. Then I will take a vote.

**Mr. Marchese:** Mr. Chair, just to be clear, on the amendment to the motion?

**The Chair:** Yes.

**Mr. Marchese:** Because that would be the main motion; right? OK.

**The Chair:** We are voting on the amendment. I have a motion on the floor; then I have an amendment.

The amendment will be the first one—

**The Clerk of the Committee:** The amendment is to delete the words "the chair and members of the Accessibility Advisory Council of Ontario" and delete "when the Legislature reconvenes."

**Mr. Marchese:** Sure. OK, that's fine.

**The Chair:** That is what we are voting on. Is that clear now?

**Mr. Marchese:** Yes, sure.

**The Chair:** OK. I'll take a vote if no one disagrees. Anyone in favour of the amendment? In favour? Anybody against the amendment? The amendment does not carry.

What we have in front of us is the original motion. Is there any question what the original motion is? If there's none, I'll go for a vote on the original motion, as it was introduced.

**Mr. Jackson:** Recorded vote, please.

### Ayes

Jackson.

### Nays

Fonseca, Leal, Marchese, Parsons, Ramal, Wynne.

**The Chair:** The motion doesn't carry.

May I move to the next motion? We dealt with number 4.

Number 5: technical briefing.

**Ms. Wynne:** Mr. Chair, if I could just interject; I apologize. My understanding was that there were questions that Mr. Jackson had of the ministry that were to be submitted last week, which they were on Friday. We had expected them on Wednesday. The ministry got them on Friday.

My understanding is that the questions were to do with the transition, the move from the state of being in the province where Bill 125 was in place to Bill 118, and the process of how the sections of Bill 125 were going to be repealed or changed as Bill 118 came into place.

As I look at the questions that were submitted, my sense of those questions is that they have to do with compliance with Bill 125. They really don't have anything to do with Bill 118. It seems to me that these questions are something different than what the ministry had expected to be preparing. This committee is in place to deal with Bill 118. These questions have been put in place and they deal with compliance with Bill 125. My sense is that these are not appropriate questions to be asking the ministry to answer at this point.

1620

I just want to go on the record with some of the information I gleaned from the ministry in preparation for this meeting, because I understood we were going to be talking about the transition. My understanding is that this is the information, some of which Mr. Jackson was looking for—

**The Chair:** Ms. Wynne, I appreciate what you're saying. I already have some professional opinion that agrees with what you're saying. But I didn't hear any questions being asked here today. So what I thought we should do is allow staff to have a seat and, if there are any questions asked that are not proper, I guess any of you can challenge or question it. I think that's the way we would normally proceed. I do appreciate your comments, because I'm aware of your comments.

**Ms. Wynne:** Mr. Chair, I don't mean to be difficult about this, but the whole point of having this meeting, as we discussed it in the subcommittee, was that there were some questions that Mr. Jackson wanted to put on the floor so they could be answered in a public forum. In the subcommittee we agreed that those questions would be submitted, so that it wasn't a free-floating discussion about anything and everything; it was about particular questions. These questions that have been put forward are not on the subject that we understood they were to be on. What I think is unfair is subjecting ministry staff to a very free-floating conversation that they may or may not be prepared for, and the questions that are asked of them are not appropriate.

**The Chair:** I hear your arguments. Any other comments? OK, so if there are no comments, I guess you're waiting for my opinion on this matter.



I would ask that staff take a seat, please. I do hear Ms. Wynne's arguments. Let me tell you what is happening here. I tend to agree with what you said, Ms. Wynne, that the questions had to be done in writing. They have been done, and the opinion is that they are not related to Bill 118. So I do agree with you on that. At the same time, I see staff here, and it's my intention to try to come as close as possible—I'm going to allow some questions. If I feel that the questions are not proper, I will use the gavel. I will expect every honourable member to respect the Chair and allow me to run the meeting as best I can.

**Mr. Jackson:** if I may say this: I think I have the ability to say no to questions. You put your questions in writing and I have concluded, rightly or wrongly, that those questions should not be asked under Bill 118. Just to—let me finish, please.

**Mr. Jackson:** I didn't interrupt you. I just let you know that I wanted to be recognized.

**The Chair:** I just want to go a little further than I would normally do. So I ask your assistance in doing that. I know that some members are not pleased, but since the staff is here, let's see if there are one or two questions that we can deal with, and then I'll move from there.

**Mr. Marchese:** If I can, the staff themselves may determine that it's not something that's appropriate for them as well, in which case, they will tell you and they will tell us.

**The Chair:** Yes, of course. I expect staff, in particular, to assist me. We have been clear from the beginning. Some of us have lots of experience at different levels and there are different rules. I don't want to rule with what I have been trained, which may not be proper at this level. So I would expect, first of all, the clerk to assist me and you at the same time.

**Mr. Jackson:** Not to be argumentative, but the short story of this line of questioning was that I put forward a motion in February at a public meeting, while the committee was on the road, in response to a specific deputation who raised concerns about the transition between Bill 125 and Bill 118. In fact, my motion clearly stated that, and that that was the purpose of having some technical questions. The fact is that we have been able to accommodate a modification of this at the subcommittee level. The accommodation was that instead of asking Mr. McMahon to come here, which we have the right to do—in my last conversation with him, he was encouraged to let staff come. That's being accommodated here. However, there are questions that have come out of the public hearing process regarding transition. Again, if there's anything unusual about this, it's that we're repealing a complete piece of legislation some time down the road, which is unknown, without knowing which clauses are involved, and that is extraordinarily unusual.

This has given cause for great concern for Mr. David Lepofsky. He spends two pages in his report to this committee on this. I spent a considerable amount of time with him last week in order to narrow down some of those questions so we can get a sense of how staff in the

secretariat is resourcing disability legislation in this province. That's a concern that all disabled persons are expressing.

My understanding is, we're proceeding with a process that was supported by the subcommittee and has been approved by the committee.

**The Chair:** You also heard the legal opinion, I suspect, from our staff on your questions. Nonetheless, they are here—

**Mr. Jackson:** If you're going to suggest it's a legal opinion, I'd like to know where this legal opinion—

**The Chair:** Is it a legal opinion that I was given on this matter or not? I did get a professional opinion, and I agree with that opinion. The opinion, as I said earlier, is that the questions that were put in writing do not refer to Bill 118. Having said that, Mr. Jackson, you have the floor, please, for questions.

**Mr. Jackson:** My first question has to do with a question raised about Bill 118 and the accessibility standards committee, which is similar in scope and context to the current accessibility advisory council. My first question, which they raised, was frequency of meetings. That was the first question. How frequently are you currently conducting, and have you profiled through regulation any context around how frequently the accessibility standards committee—you'll correct me if I'm getting it wrong because I have to flip between the two, but you know my question.

**The Chair:** Just as a reminder, please assist me. If any of those questions, in your professional opinion, are not related to Bill 118, please say so before you attempt to answer the question. The floor is yours.

**Ms. Katherine Hewson:** The first question probably relates to Bill 125 and the council under 125, but if I understand Mr. Jackson's question, it might also relate to what is intended with the future council. So I can answer, I guess, in terms of the existing council.

The existing council was first appointed on May 1, 2002—the first five members of the council, including the chair and the vice-chair. On November 18, 2002, the minister then appointed seven additional members to complete the council, including naming a new chair and vice-chair. From May until December 2002, council members attended a total of 24 stakeholder engagement events, including the first council quarterly meeting held in November 2002.

In 2003, council members attended eight council quarterly meetings and teleconference meetings. They took part in five subcommittee meetings and there were 61 stakeholder engagement events that council members participated in, representing a diverse cross-section of disability sectors and geographic regions.

In 2004, from January until present—

**Ms. Wynne:** On a point of order, Mr. Chair: I just do not see what this information has to do with Bill 118. I really need to understand that. This is activity that has taken place under Bill 125. The questions, as we understood them, were about the transition from 125 to 118, and I do not see what this has to do with Bill 118.

1630

**The Chair:** I tend to agree with the comments. I did ask you—

**Ms. Wynne:** I'm asking for Mr. Jackson to clarify that, actually.

**The Chair:** If we're trying to deal with the issue and be as efficient as we can, I think I will remind you that I only want you to answer questions that are related to Bill 118. I know the comments you made earlier. Let's—

**Mr. Jackson:** On a point of order, Mr. Chairman: Somehow we've gone from issues that are a transition between two bills, then to your suggestion of issues you're comfortable with, to now your ruling that only those items that deal with 118.

In fairness, you, sir, are guided by the direction of the committee, and I have a motion which says these people are here to speak about the issues in 125 and 118. That was the motion that the subcommittee agreed to, and those were the terms and conditions.

I don't wish to debate that, but Mr. Lepofsky asked specific questions about the frequency of meetings for the council, about compensation levels, about whether these meetings are in camera or not in camera, about the selection process and about the regulations that govern it. Those are the questions I am attempting to ask. Ms. Hewson gives full answers, and that's appreciated. If you want to instruct her to tighten up her answers, fine, but I believe these answers are well in order and they flow from the public hearings. That's what I'm here to get on the record to help this legislation.

**The Chair:** Mr. Jackson, I'm trying to see—does the motion make reference to 125 or just to 118? It doesn't specify 125.

**Mr. Jackson:** OK, so it doesn't.

**The Chair:** We should stick to Bill 118. I am as flexible as the membership wants me to be. I hear that there are members who don't believe the question is related to the bill in front of us, and that's the difficulty I'm having.

**Mr. Marchese:** I'm really trying to be helpful but I am struggling with this. We rarely do this. What we're doing is unusual, but I like it, because it's rare that we could do this, as a committee, if we want to. But if we're going to get these kinds of questions and those kinds of answers, it's not helpful to me.

I'm trying to be helpful to Cam in terms of what he's trying to get at. I agree largely with the argument Ms. Wynne made earlier about trying to create the link between the previous bill and this one, and if there is such a connection by way of the questions, it might be helpful. You were trying to accommodate that as a caucus, and I thought that was very nice and very helpful. But I'm not quite sure. It would be nice, Cam, to know what kind of questions you want to get at that link the former bill with this one, as a way of allowing some better understanding of where we're going. If not, I really don't find it helpful. So I thought I'd put that on the record.

**Ms. Wynne:** I just want to make one more comment. In my opinion, what will serve the disability community in this province is if we can get new legislation in place that meets their needs, and we can start to get standards

in place. Anything that's going to unnecessarily delay or, for political reasons, put obstacles in place for this legislation to go forward is unconscionable. That is not what we should be doing here. If there are questions that are to be asked, then let's ask them, let's get the answers and let's move on. But long lists of meeting dates that have to do with a regime that is about to pass, because we're putting new legislation in place, makes no sense to me. I don't think this committee should waste taxpayers' time engaging in that kind of discussion. I'd really like to see us have the questions answered and move on.

**The Chair:** Mr. Jackson, and then we will try to get some answers.

**Mr. Jackson:** Well, there are some other aspects to this that are unprecedented. We have several order paper questions in, we have a freedom of information request in, and we've had resistance from the minister personally and from her government to answering these questions. These are questions which the ODA Committee has asked about, questions about the level of financial commitment and the commitments that have been made to date. These are not being answered as part of the framework of the new legislation.

*Interjection.*

**Mr. Jackson:** I have the floor, Mr. Chairman, and I am very concerned that all and any efforts to try to get some of this information have been frustrated. Staff are here to do their job, which is what they always do, and we're the ones seeming to have some difficulty, not wanting to know some of the information.

If you want me to tell you what the concerns are that I'm hearing from the disabled community, I can do that. Ms. Hewson was about to share with you that the Disability Access Advisory Council of Ontario, for its first seven months in operation, met 24 times, and this year they will meet four times. That is an issue which I think is important for the disabled community to know and for this committee to know, because we may want to make recommendations about the scope.

When I move into compensation levels, this committee will learn from Ms. Hewson that the starting salary for the chair of that committee was something in the order of \$70,000 or \$80,000, because of the workload. That has now been pared down to \$350 per meeting, times four meetings, and the accessibility advisory council members are making \$200 for their meetings—a question Mr. Lepofsky asked and couldn't get an answer to.

I'm not asking Ms. Hewson what she's currently considering recommending to the minister in a regulation. I was going to ask her if she has any more regulations drafted or ready to follow this legislation. But these are questions which the disability community said we want answers to.

**The Chair:** Well—

**Mr. Jackson:** Mr. Chairman, I'm not the one who interfered and interrupted Ms. Hewson, but if my motives are going to be challenged, I have every right to clarify why I've raised them.

**The Chair:** And I think you did, Mr. Jackson.



**Mr. Jackson:** I think I have, but I've raised them in the spirit in which the ODA Committee presented them to me. They have subsequently, before all of us, at all the public hearings—and I didn't miss a single day of public hearings. I went to every single one of them and these themes kept coming forward. So if Ms. Hewson wants to simply answer that, "In our first year of operation we had 24 council meetings," and in the subsequent year she indicates that that number dropped, and in this current year—and that confirms what your chairman confirmed with me over the phone.

My next question has to do with compensation levels. Is that fairly accurate? This is awkward, because I signed the order as the minister. You were my ADM at the time, and the structure set up for the chair and the vice-chair, with the workload, was structured around those timelines. I'm not going to impugn motive as to what's happened, but we seem to have gone from a very busy, active accessibility advisory council to one in which we're down to four meetings a year. If that's how important they're going to be, then we'll be guided as to how much weight we put on the accessibility standards advisory council.

**The Chair:** You asked a question. Why don't you answer? I heard at least two questions. Just answer the question, please.

**Ms. Hewson:** I'll try to answer at least part of that. I wouldn't agree with the assessment that the advisory council is less busy now. For example, in 2004, there were 22 consultations regarding strengthening the Ontarians with Disabilities Act, and council members participated in all 22. They've been involved in four key stakeholder meetings in September 2004, and in addition they've participated in 25 stakeholder engagement events, as well as participating in eight meetings of Accessibility Directorate advisory committees on Accessibility Directorate initiatives. I would say that they continue to have a strong role to play. I don't know if there's anything further.

**The Chair:** Mr. Jackson, do you still have questions?

**Mr. Jackson:** Yes. I concur. In your answer previously to this committee, staff confirmed that a significant amount of their work had shifted to the new minister's consultation framework, and I accept that. You mentioned advisory committees within the council. Could you please enumerate those and their responsibilities?

1640

**Ms. Hewson:** If I may, I would ask my colleague Nadia Temple, who's the director of the Accessibility Directorate of Ontario, to respond to that.

**Ms. Nadia Temple:** Mr. Jackson, I think I need some clarification. When you ask about committees within the council, are you talking about subcommittees of the council?

**Mr. Jackson:** Ms. Hewson just referred to advisory committees that they served on within the council. You can call them subcommittees or advisory committees; whatever you wish.

**Ms. Temple:** They are advisory committees, in fact. What we do there is invite the council to sit on various initiatives that we're undertaking. We have a number that they've been involved in. Would you like an example of some?

**Mr. Jackson:** I wanted the list. I think it was one of the questions I asked. So if I could have the list, that would be great.

**Ms. Temple:** We had a partnership with the Canadian Standards Association to follow up on the development of a customer service standard for people with disabilities. It's an implementation program called Building Champions. We have two members who are sitting on a technical advisory committee for us on that project.

With the Ontario Historical Society, again, this one is under development. It's a partnership project. It looks at heritage and cultural organizations to increase accessibility to facilities. Again, two members sat on that advisory committee.

We've worked with the Greater Toronto Hotel Association. We developed an accessibility checklist to assist the industry in assessing the physical accessibility of their properties. Again, we consulted with the council on the checklist itself.

With the Ontario Community Transportation Association, we developed a training program for drivers on serving and assisting passengers with disabilities in the conventional, specialized and volunteer public transportation sectors. Again, we had a member sit on that. They also attended the association's conference and spoke there on the program itself.

We have developed—sorry, it's in progress—a generic customer service training program. That's an on-line training package to increase the knowledge of service providers on how to provide effective service. Again, we have members of the council assisting us on that.

We have a program for people who are deaf and people who are hard of hearing. It's a service guide for providers of services and businesses.

We've had many employment-related projects with the Canadian Mental Health Association called Mental Health Works.

We've had the development with the Learning Disabilities Association of Ontario of a brochure for employers.

We had a project with the Canadian National Institute for the Blind, and employer awareness sessions.

There are a number of others, but that gives you a full range of examples, I think, of the work.

**Mr. Jackson:** The compensation levels, Ms. Hewson: They're collecting the \$200 per diem?

**Ms. Hewson:** There is an OIC for remuneration, which is \$200 per day.

**Mr. Jackson:** For regular members.

**Ms. Hewson:** Yes.

**Mr. Jackson:** Are those meetings in camera? During the public hearings, this became a big issue.

**Ms. Hewson:** The meetings of the council are in camera under Bill 125. I'm not sure that it relates to Bill 118.

**Mr. Jackson:** It's just that it's a recommendation, and I was unsure if you were conducting them—or do you make the minutes for your meetings available on your Web site?

**Ms. Hewson:** No.

**Mr. Jackson:** OK. Thank you.

Section 4 of Bill 125 deals with government buildings. This section was proclaimed, and my understanding is that it's a section that the government is not repealing right away, that it's going to leave in the current legislation. Is that your understanding as well?

**Ms. Hewson:** I can address the relationship between 118 and 125. What will happen is that the sections dealing with specific government obligations in Bill 125 would remain until there are standards that would adequately address this for the government.

**The Chair:** Any other questions, Mr. Jackson?

**Mr. Jackson:** Yes. What current mechanism is in place, since they were standards that were clear in the legislation—what process is there to review? Is the minister responsible for Management Board responsible to monitor this?

Let me tell you about the questions being raised. Who within the government is going to monitor the government's compliance with Bill 125? Since you're carrying over legislation from one—sorry; let me start that again. The concern being expressed from the ODA Committee is, who is going to monitor the government of Ontario's responsibilities under Bill 118, which contains within it responsibilities that flow from 125? The act still says there must be enforcement of 125, under the umbrella of 118. So who currently is responsible for monitoring the property arm of the government that is responsible for approving leases that are done to those standards? Who is monitoring that? That obligation continues under this new legislation.

**Ms. Hewson:** Maybe I could focus on how 118 will work and then work backward from there. Bill 118 will require accessibility reports to be completed by all those who have obligations to comply with standards. So the government will have obligations, ultimately, to comply with standards and will provide a report. That isn't the case now in the sections that you're referring to in Bill 125.

**Mr. Jackson:** Yes, but Bill 118 says that the government can cause exemptions, and one of the concerns of the ODA Committee is that, under the current 118, they can give whole ministries exemptions if they so choose. Under 125, the responsibility for the government to make its buildings accessible, up to or better than the building code, is clear in the legislation. That talks about retroactively fixing buildings that aren't compliant today, and that's a right which the ODA Committee fought for and they want to see retained.

What you're suggesting to me is that—I won't get into a debate with you about the regulation, because the

legislation does give the government the right to proceed with regulations under the old act, if there is the political will to do it. I simply asked you, who is responsible for monitoring that performance under Bill 118?

**Ms. Hewson:** I think the answer is, once the standards are in place under Bill 118, there is a report that is done by the organization that is required to comply with the standards. That report is provided to the government, and there will be audits and inspections in accordance with Bill 118 in a way that that will apply to everyone.

**The Chair:** Can I just recognize Mr. Marchese? I know Mr. Parsons wants to speak. I'm trying to allow Mr. Jackson to ask all his questions. I think it's healthy, if they are related to Bill 118, and this way we can get the answers as quickly as possible.

Mr. Marchese, you're next.

**Mr. Marchese:** I just wonder how many more questions Cam has before I decide what I'm going to say.

**The Chair:** I don't know. Do you have an answer to that, Mr. Jackson?

**Mr. Jackson:** I have about six more.

**Mr. Marchese:** Mr. Chair, I'm really trying to be helpful and respectful of Mr. Jackson's questions and what he's asking. I really find it helpful that you, as the Chair, and this committee are allowing for this, because it rarely happens. But I'm not finding it as helpful at this time in terms of where I think we should be going.

Mr. Jackson is a former minister, so he's got a lot of knowledge about what happened and what didn't happen. I want to urge Mr. Jackson to reflect his knowledge and his discussions with other people in the amendments to Bill 118, and then urge us as a committee, once we've dealt with Bill 118, to refer to section 109, which allows this committee to, from time to time, address matters of whatever concern. In this case, it would be Bill 118. We could, on a yearly basis, decide as a committee that we would like a review of how things are going. Then it would be really helpful to have them come in front of the committee and address questions that we have, as they relate to the implementation of Bill 118.

I really recommend that we move on—I'm not interested in pursuing this any longer—and that we reflect our concerns by way of amendments, when we deal with them. I hope that we as a committee will be able to do this review with the approval of the committee members, so that from time to time, we—opposition and government—can ask, "How is the bill going? How are you implementing it?" Because we rarely do that, and it would be great to do.

**The Chair:** I thank you for your recommendation; I agree. The only thing I'm going to suggest to all of you is that, if Mr. Jackson wants to ask those questions and he persists, the probabilities are that by us interfering, it may—

**Mr. Ramal:** On a point of order, Mr. Chair: We can debate from now until the end of eternity. We're repeating ourselves. I would echo what Mr. Marchese said. We can pursue it as a motion, if you want to, and vote on it, and end the whole discussion.



**The Chair:** Mr. Ramal, with the highest of respect, yours was a comment; it was not a point of order. That's fine: We are being informal up to this point.

I'm going to suggest to the committee that if there are six quick questions, the probability is that we'll finish sooner than if all of us participated in the debate. Nonetheless, Mr. Parsons has been asking to speak for a while. You're next, and if anybody else wants to speak, then I'll go back to Mr. Jackson.

I appreciate what you said, Mr. Marchese. I trust that Mr. Jackson will keep in mind what you recommended.

**Mr. Marchese:** I actually would prefer that we end the debate and that I move a motion to that effect. Then, if Mr. Jackson wants to speak for the whole hour, he can. That would be fine by me.

**The Chair:** Is there a motion on the floor?

**Mr. Marchese:** I would move that we end this debate—

**Mr. Jackson:** On a point of order, Mr. Chair: This is not a debate. I was engaged in questions. Clearly—

**Mr. Marchese:** This is—

**Mr. Jackson:** You want to end the debate that the government's throwing up?

**Mr. Marchese:** It's not helpful, Cam. I'm not interested in doing this; I'm not. I was trying to be helpful in agreeing to allow this to go on, because I was tempted initially to say that this whole thing shouldn't be happening on the basis of the subcommittee request that was made. This process that we're engaged in at the moment is out of order, so to speak.

Mr. Jackson, I really don't want to go on with this form of questioning; I really don't. So either we voluntarily end this or I say that we rule on the fact that, based on the amendment, it is not in keeping with the kinds of questions we thought were going to be asked, and therefore we move on.

**The Chair:** That's the motion on the floor. Are you clear on the motion, before I rule on the motion?

**Mr. Marchese:** Or amend it differently—whatever you like.

*Interjection.*

**The Chair:** Excuse me. I will recognize everybody.

Right now, what I heard is a motion to end the argument. You heard it. The question is if that is proper.

**Mr. Marchese:** I think the amendment is that these questions do not deal with Bill 118, and therefore it's out of order—or whatever wording the clerk might want to suggest in terms of reflecting what I'm saying.

**The Chair:** Just give us a second, so we can sort these things out. I will come back to you.

**Mr. Jackson:** Mr. Chairman, I request a 15-minute recess.

**The Chair:** Can I just hear from her? And then you're next. You asked for the 15, not me.

**Mr. Jackson:** No. A 15-minute adjournment is a 15-minute adjournment, Mr. Chairman.

**The Chair:** I have a request for 15 minutes' adjournment.

**Mr. Marchese:** I would move adjournment.

**Mr. Jackson:** No, I've already got one on the floor that we take a 15-minute break. That's my right, and it's non-debatable, and we'll just proceed with it.

I would have been done in 10 minutes.

**Mr. Marchese:** No, Cam, it's just too tiring. I'm sorry; I'm exhausted. I can't even concentrate.

**The Chair:** It's my understanding that we have 15 minutes' adjournment. We will be back at exactly nine minutes after. Is that fair? I've got about six minutes to 5. So we will be here nine minutes after 5, and we can sort it out.

*The committee recessed from 1654 to 1709.*

**The Chair:** I show nine minutes after 5. We will resume the meeting. Ms. Wynne.

**Ms. Wynne:** For all the reasons that have been put forward by Mr. Marchese, and for reasons I've stated earlier about the relevance of the questions, I'd like to move adjournment of the committee.

**The Chair:** Adjournment doesn't require any discussion, am I correct? No debate, I should say. Therefore, anyone in favour? Anyone against? The motion carries. The meeting ends.

*The committee adjourned at 1710.*

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Mr. Cameron Jackson (Burlington PC)

Mr. Ernie Parsons (Prince Edward–Hastings L)

#### **Also taking part / Autres participants et participantes**

Ms. Katherine Hewson, assistant deputy minister;

Ms. Nadia Temple, director, Accessibility Directorate,  
Ministry of Citizenship and Immigration

#### **Clerk / Greffière**

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# Official Report of Debates (Hansard)

Tuesday 29 March 2005

# Journal des débats (Hansard)

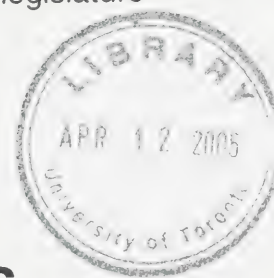
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**Standing committee on  
social policy**

Accessibility for Ontarians with  
Disabilities Act, 2005

**Comité permanent de  
la politique sociale**

Loi de 2005 sur l'accessibilité  
pour les personnes handicapées  
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## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
SOCIAL POLICYCOMITÉ PERMANENT DE  
LA POLITIQUE SOCIALE

Tuesday 29 March 2005

Mardi 29 mars 2005

*The committee met at 1558 in committee room 151.*ACCESSIBILITY FOR ONTARIANS WITH  
DISABILITIES ACT, 2005LOI DE 2005 SUR L'ACCESSIBILITÉ  
POUR LES PERSONNES HANDICAPÉES  
DE L'ONTARIO

Consideration of Bill 118, An Act respecting the development, implementation and enforcement of standards relating to accessibility with respect to goods, services, facilities, employment, accommodation, buildings and all other things specified in the Act for persons with disabilities / Projet de loi 118, Loi traitant de l'élaboration, de la mise en oeuvre et de l'application de normes concernant l'accessibilité pour les personnes handicapées en ce qui concerne les biens, les services, les installations, l'emploi, le logement, les bâtiments et toutes les autres choses qu'elle précise.

**The Chair (Mr. Mario G. Racco):** Good afternoon to all and welcome to the standing committee on social policy in consideration of Bill 118, the Accessibility for Ontarians with Disabilities Act. Before we start, I would like once again to point out several features that we hope will help to improve accessibility for those who are participating in and attending meetings regarding Bill 118.

In addition to our French language interpretation, we will be providing at each of our meetings closed captioning, sign language interpreters and two support services attendants available to provide assistance to anyone who wishes it. Please identify yourself to me and I'll ask for the two people at the back.

The meeting today in Toronto will be broadcast on the parliamentary channel, which is available on cable TV, tomorrow. Also, these meetings will be webcast on the Legislative Assembly website at [www.ontla.on.ca](http://www.ontla.on.ca).

The order of today's business is Bill 118, An Act respecting the development, implementation and enforcement of standards relating to accessibility with respect to goods, services, facilities, employment, accommodation, buildings and all other things specified in the act for persons with disabilities.

Before the meeting starts, has everybody received this package with all the amendments? OK. We all have it.

Section 1: Mr. Marchese.

**Mr. Rosario Marchese (Trinity-Spadina):** I move that section 1 of the bill be struck out and the following substituted:

"Purpose

"1. The purpose of this act is

"(a) to achieve a barrier-free Ontario for persons with disabilities through the identification and removal of existing barriers and the prevention of new barriers that prevent persons with disabilities from fully participating in all aspects of life in Ontario; and

"(b) to ensure that persons with disabilities play a central role in the mechanisms established to achieve the goal described in clause (a)."

There were a number of deputants who came in front of our committee and spoke to this. I am not happy with the current language that's there. The current language says, "The purpose of this act is to benefit all Ontarians by developing, implementing and enforcing accessibility standards" etc. But in my view, the purpose of this act is not to benefit all Ontarians; the purpose of this act is to benefit people who have traditionally been discriminated against and excluded from a variety of activities that all people ought to be entitled to. If someone has a disability and we don't have accessibility mechanisms for them to be able to live as others, that means we're discriminating against them. So the purpose should state that.

I'm not the only one saying this. Other members of this government have stated this. The minister, the Premier and many others have spoken to this in the way that I'm speaking now. So it would seem to me that we should have the kind of language in the purpose clause that immediately acknowledges that we want to achieve a barrier-free Ontario for persons with disabilities. It's for that reason that I move this amendment.

**The Chair:** Any comments?

**Mr. Khalil Ramal (London-Fanshawe):** I don't see any purpose in amending the bill, because this legislation has already included barrier removal. Also, persons with disabilities can play an important role in establishing standards and administering the activities and the future of this bill.

**Mr. Cameron Jackson (Burlington):** I'll be pleased to support the amendment. As all my colleagues would realize, judges, when called upon to interpret this legislation, give great weight to the purpose clause. It becomes the parameter upon which an ultimate judicial decision is made when the legislation in and of itself isn't absolutely clear.

I have spoken to this in the past and support it, and I too would echo my colleague's comments that this is more than appropriate; in fact, it's something the ODAC committee has suggested as well. I would hope that we would also have recorded votes for all these, Mr. Chairman. I'll leave my comments at that.

**The Chair:** Ms. Wynne wishes to speak, and then I'll go to you, Mr. Marchese.

**Ms. Kathleen O. Wynne (Don Valley West):** I just want to make a comment. I want to acknowledge that we did hear from a number of people that there needed to be an acknowledgement in the purpose of the bill that we were dealing with people with disabilities right up front, and the history of discrimination. In fact, the next motion that's going to be introduced by the government does introduce that acknowledgement of the history of discrimination. So I will not be supporting the NDP motion, but I will be supporting the government motion that does amend the purpose.

**Mr. Marchese:** I was about to make reference to the fact that you have your own amendment in this regard. The way the parliamentary assistant was speaking to this issue, one would almost assume that he would speak to his own amendment as well, because, while it is true that, in the body of the bill, there are issues that deal with issues of discrimination, it doesn't say that in the purpose clause.

**Mr. Ramal:** We're following.

**Mr. Marchese:** I'm glad you're following.

My comment is a little sharper and clearer in terms of what we're trying to do. It also says in (b) that it ensures "that persons with disabilities play a central role in the mechanisms established to achieve the goal described in clause (a)." Your amendment doesn't do that, and I'll speak to it again, I suppose.

If you can support your own amendment, I'm not quite sure I understand why you would be opposed to ours. That's why, in your comments—and yours, Ms. Wynne—I don't see why you would object to our amendment—or wording, really.

**Ms. Wynne:** Could I respond to that?

**Mr. Marchese:** Please.

**Ms. Wynne:** My response would be that it's redundant, Mr. Marchese. In fact, the rest of section 1 goes on and provides for the involvement of persons with disabilities. If we pass our amendment, which acknowledges the history of discrimination, then the missing piece that we heard about through the delegations is there. Everything else that's in your amendment is, in fact, already covered off in the purpose.

**Mr. Marchese:** I'm not sure how it does that. Your amendment says, "recognizing the history of discrimination"—which is a fair thing to write. My amendment says, "to achieve a barrier-free Ontario"—the language is totally different—"for persons with disabilities through the identification and removal of existing barriers and the prevention of new barriers that prevent persons with disabilities from fully participating...." It is a statement

that I think is quite consistent with what you're trying to do with this bill. There's no redundancy in that statement.

**Ms. Wynne:** The second part.

**Mr. Marchese:** The second part is something completely different. It says that they should be involved; they should play a central role. It's consistent with your bill.

**The Chair:** Is there any further debate?

**Mr. Jackson:** Is there anywhere else in the bill which specifically states that, at some point, Ontario will achieve barrier-free status?

**Mr. Ramal:** If you go to clause 1(b), it explains it very well and states very clearly that people with disabilities are going to play a central and important role to eliminate the barriers. Also, a big part of the standards committee that's going to establish that—

**The Chair:** Thank you, Mr. Ramal.

**Mr. Jackson:** In fairness, that was not my question. My question was, where in the bill does it specifically say that we will achieve, on a specific date, a barrier-free Ontario?

**Ms. Wynne:** Section 1 says: "The purpose of this act is to benefit all Ontarians by,

"(a) developing, implementing and enforcing accessibility standards in order to achieve accessibility for Ontarians with disabilities"—and then it goes on—"on or before January 1, 2025."

So it actually flips the question that you're asking. As opposed to talking about removal of barriers, it talks about accessibility. So it is, in essence, the same thing.

**Mr. Jackson:** The point is that nowhere in the legislation does this commit this or any future government to creating a barrier-free Ontario. I understand the word "standards"—

**Ms. Wynne:** An accessible Ontario.

**Mr. Jackson:** I took an education, as you did. I understand those words. There's nowhere in this legislation where the words "barrier-free"—they exist in the ADA, they exist in the recommendations put forward by the Ontarians with disabilities advisory committee, and it was put forward by countless groups.

I feel very strongly that if, in fact, we're purporting to create a piece of legislation that will make Ontario barrier-free, why are you afraid to put those words into legislation, rather to yield to the concept of moving toward the goals of accessibility standards and—I can't use the word "accountability"—

*Interjection.*

**Mr. Jackson:** Those were the words that you've replayed for us.

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**Mr. Marchese:** I don't want to seem to be obstructing almost, every time a member makes a statement on the other side. Given what you've said, Ms. Wynne, I'm prepared to say that this amendment is consistent with what you're saying. If it's stated elsewhere, why would you not want to state it in the purpose clause?

**The Chair:** If there is no more debate, I will now put the question to you on a recorded vote.



**Ayes**

Jackson, Marchese.

**Nays**

Brownell, Leal, Parsons, Ramal, Wynne.

**The Chair:** The amendment is lost. We move to the next amendment under section 1: number 2.

**Mr. Ramal:** I move that section 1 of the bill be amended by striking out the portion before clause (a) and substituting the following:

“Purpose

“1. Recognizing the history of discrimination against persons with disabilities in Ontario, the purpose of this act is to benefit all Ontarians by.”

The aim of this section is just to recognize the history of exclusion of people with disabilities. Out of recognition for them, we are adding this one to basically strengthen our direction and our determination to work with the disabled community across the province to eliminate and stop the discrimination against them.

**Mr. Jackson:** My only question here is that the addition of this—I’m not going to interpret it in political terms; I’d like to try to interpret it in legal terms. Further on in the amendments, we make reference—several of us—to tying standards to the standards set by the Ontario Human Rights Code and the commission, which, as you know is a higher standard than the building code and other codes.

I guess what I’m really asking is if the government intends to support that principle the ODA asked for, because that would be consistent with this kind of—that’s the history of discrimination. If we’re not going to somehow work toward achieving a level of non-discrimination at the level of the Human Rights Commission, then I’m uncomfortable making this statement, because we’re essentially purporting to do something that we’re not prepared to do in the legislation. We will still have a historical gap of discrimination between the standards set by the Human Rights Commission and the standards that may be set out subsequently through this legislation.

**Mr. Marchese:** All I want to say about this amendment is that it’s awkward. It almost seems like cut-and-paste. You understand how cutting and pasting can be awkward sometimes, right? You’ve got a bill that says, “The purpose of this act is to benefit all Ontarians by,” and then you realize it’s a bit problematic. So you say, “Can we throw a line in to make the others feel good?” So you say, “OK, here’s a line,” and then you paste it over the other. It’s just awkward. I realize the awkwardness of the government in doing this. At least I do; I suspect others here in this room might feel the same way. I could be wrong.

I know that Mr. Parsons moved the same motion in 2001, when we were dealing with Cam Jackson’s bill, which is neither here nor there. I’m not trying to criticize

him. It’s just that at the time, the Liberals in committee decided that it would be useful to have an amendment similar to the one I moved, which was theirs. So I argue that if it was good enough then for his bill, as weak as it was, this could be good for your bill, which is better.

**Mr. Jackson:** Maybe not.

**Mr. Marchese:** I think it’s better.

**Mr. Jackson:** Maybe not better.

**Mr. Marchese:** But I think they think it’s better, and that’s even more important, because we’re dealing with people with disabilities, and they think it’s better.

I find this cut-and-paste a bit awkward. It isn’t intended to benefit all Ontarians. This bill isn’t about me; it’s about them. It’s about creating accessibility, not for me, because I can get through a door or through a barrier, possibly in more ways than one, but they can’t. How does it benefit me as an all-Ontarian type?

That’s why I argue that when you throw it in that way, you’re not doing me a favour. The focus ought to be on people with disabilities. This cut-and-paste is awkward. That’s why I was a bit saddened that you defeated my amendment, which was your amendment as well in 2001. Now we have a weakened thing just to make people feel better. I just don’t feel good about it; I’m saddened by it. I don’t even know if I want to support it, because it’s awkward. You’re trying to make me and others feel good. I just don’t know what to say. I might oppose it.

**The Chair:** Thanks for your comments.

Mr. Ramal and then Ms. Wynne.

**Mr. Ramal:** Mr. Jackson, I believe that the Human Rights Code doesn’t specify proactive standards in general, but this act will specify it. That’s why we came up with recognition. As we travelled across the province we heard a lot of people with disabilities talking about discrimination and exclusion. That’s why we came up with this section to acknowledge what they’ve been through in the past.

Also, to Mr. Marchese, I wonder if he’s not going to recognize the discrimination against people with disabilities, and I wonder why he’s sad about this section. I think it’s very important to recognize it as a payback, at least psychologically, for the people who have been suffering for a long time.

**Mr. Jackson:** Mr. Chair—

**The Chair:** I had recognized Ms. Wynne, and then I’ll come back to you, Mr. Jackson.

**Ms. Wynne:** I think that it would be a great shame if the member from the NDP could not support this amendment, because we did hear repeatedly that there needed to be an acknowledgement that this bill was about people who had been discriminated against.

I think the other point that needs to be raised is that there is a real philosophical question about whether all Ontarians do benefit from this act. In fact, when I had my round table in my riding before the public hearings started, people with disabilities came to the CNIB where we held the session, and one of the issues raised was, “Why do you have ‘disabilities’ in the name? Why shouldn’t it be accessibility for all Ontarians?”—because

we talk about the AODA, the Accessibility for Ontarians with Disabilities Act. There was a question of this legislation being important for everyone in Ontario.

I think this is a better piece of legislation, so the amendment you raised, which may have been raised by us in a previous time, is unnecessary. We've addressed the issues that the delegates brought to us, and this act will make Ontario a better place for all Ontarians.

**The Chair:** Mr. Jackson, Mr. Marchese and then Mr. Parsons.

**Mr. Jackson:** I would just like to say to the parliamentary assistant that I did read the material I received from the commissioner, and I would strongly urge you to revisit it. I know it's not going to change your marching orders, but I strongly urge you to revisit it, because it does speak very clearly to the issue of standards, and the ODA has asked us to table those amendments.

I want to caution the member opposite about any kind of suggestion that the voting here, especially in Mr. Marchese's case, that his voting against this suggests for a moment that he supports discrimination against—I would just caution you to be very careful going into that area.

*Interjection.*

**Mr. Jackson:** I would just caution you. It's most unparliamentary for a parliamentary assistant.

**Mr. Marchese:** Did he say that out loud?

**Mr. Jackson:** Yes, you were—

**The Chair:** Mr. Marchese, are you still—

**Mr. Marchese:** I didn't hear Khalil say it. Maybe it is better that I didn't hear it. Just to repeat: "Recognizing the history of discrimination against persons with disabilities in Ontario," we therefore are going to do the following. Do you understand in terms of the language and what would follow from a statement like that? Recognizing this, therefore this. The language here says, "Recognizing the history of discrimination ... the purpose of this act is to benefit all Ontarians"—

**Ms. Wynne:** "By."

1620

**Mr. Marchese:** Yes, "by."

Anyway, the combination is awkward. It almost doesn't make any sense. Only after you go over the comma after "by," maybe you'll—yes, "development, implementation and enforcement" of accessibility standards.

I understand that the indirect effect of this bill is to make us all a better society. I appreciate that. But that it benefits all the others in this bill—I'm just not sure that's what we are really trying to do. I don't know why it's here. I don't know why you people are saying that. I understand the secondary effects, but I really think we should focus on the issue at hand. The issue is historical discrimination against people with disabilities. We want to correct that wrong. We want to prevent those things from happening again. That's really what this bill is about. It's not about benefiting all the others, and it confuses the two when we add them in.

That's all I want to say. I'm going to vote against it.

**Mr. Ernie Parsons (Prince Edward-Hastings):** As an engineer, we're traditionally not deep philosophers, but I strongly believe this bill benefits everyone. If accessibility is denied to a group of individuals in the community—I'm fortunate at this time that I don't have a disability that I know of. Running for politics puts that into question, but not that I know of. But if there is an obstacle to someone else, that deprives me of the knowledge they have or the friendship they have or the contribution that they will make to our society to benefit all of us, and I strongly believe that this bill applies to everyone.

I thank my friend for reminding me of the earlier motion. That motion was made at a time when we were dealing with a bill that, in my mind and in the minds of many others, didn't provide accessibility for anyone in the disabled community. It was a show, but there really was no substance to it. In my mind, this entire bill involves individuals with disabilities. That earlier motion is superfluous in this one, where I thought it was essential several years ago.

**Mr. Jeff Leal (Peterborough):** We may be splitting hairs, but it's a recognition of a societal shift in Ontario which all of us collectively participate in. The societal shift is to make people with disabilities full participants in our society, and that's what I take under this clause by putting the "by" in at the end. So I'm very comfortable with that. It represents a philosophy that's been built on the American with Disabilities Act and indeed Mr. Jackson's bill, as we move down the road. I think we're recognizing that. I see this as a societal shift that we all have a stake in, and I think this recognizes that.

**Mr. Marchese:** I apologize to the others who are here because I'm prolonging it unnecessarily, but the justification of saying, "This is a different bill. Therefore, I can agree with this language now, but the other one was such a bad bill that I couldn't agree with that. The language that I had then was appropriate for that bill, but this language is not appropriate for this bill because our bill is better—the fact that the bill is better doesn't prevent us from including the language that I had proposed. That's not the correct argument, in my view.

I think Mr. Jackson probably had the same intent in terms of where he wanted to go. He may not have had the support of his government, but his intent, I'm sure, was the same as yours in terms of what you're trying to do with this bill, however better it is in many ways.

My point is that to justify on the basis that it's a different bill and therefore you can overlook the language, even though you had it then, I don't find a strong argument.

**The Chair:** Any more debate?

**Mr. Parsons:** I appreciate Mr. Marchese's comments, but the object is also to not feel the bill is superfluous. Since that, in fact, is covered in other places of the bill—we don't want a volume this thick when the bill is done. We'll vote against it.

**The Chair:** Thank you. Any further debate? If there's none, I'll take a recorded vote. They're all going to be recorded. I believe that was the request.



**Mr. Marchese:** It should be called by the people who move the motion, if they want a recorded vote.

**The Chair:** I will go for the vote. So no call?

**Mr. Marchese:** Anybody can.

**The Chair:** Mr. Jackson, am I right that you said at the beginning that you wanted every one recorded?

**Mr. Marchese:** Well, OK. That's fine.

**The Chair:** Anybody can call, so all of them will be recorded. Therefore, I'll ask for a recorded vote if there are no more comments.

### Ayes

Brownell, Jackson, Leal, Parsons, Ramal, Wynne.

### Nays

Marchese.

**The Chair:** The motion carries.

We'll move to the next, which is clause 1(a).

**Mr. Jackson:** On a point of order, Mr. Chair: Are you going to close off sections as they're approved? Are you just going to say, "I move that clause 1(a) of the purpose clause be approved"? You're not going to do that?

**The Chair:** We do each section. The page I have here—

**Mr. Jackson:** OK. That's fine, if that's your intention.

**The Chair:** It's section 1 and then section 2. Mr. Leal, you are next.

**Mr. Leal:** I would move that clause 1(a) of the bill be amended by striking out "occupancy of accommodation" and substituting "accommodation."

**The Chair:** Any comments before I go to Mr. Jackson?

**Mr. Leal:** I think it's a very straightforward type of amendment. It cleans up the language. I wouldn't see a great need to debate at length on this one.

**Mr. Jackson:** I guess my question is a legal one, and it's one based on definitions, because we don't have a definition for "accommodation." "Accommodation" can mean two things. It can mean someone's domicile, and it can also mean how one adjusts the environment to make it barrier-free—an accommodation.

In the absence of a definition, let me start by asking, what did the original draftspersons of this bill consider "occupancy of accommodation"? In my view, if I were a judge, I would say that deals with my rental premises, my lease premises, the place that I live. "Occupancy" would be a place that I lease, a place that I rent or a place that I own. Could someone answer that?

**The Chair:** Can someone from staff answer the question, Mr. Ramal? Is that what you want?

**Mr. Jackson:** Maybe draw lots.

**The Chair:** I'm going to wait another few seconds before doing that, Mr. Jackson.

Before you answer the question, please identify yourself for the record.

**Mr. David Lillico:** My name is David Lillico. I'm a counsel with the Ministry of Citizenship and Immigration.

This is just a technical amendment. If you look at the long title of the bill, you'll see that it refers to accommodation. There are a number of other places in the bill where the term "accommodation" is used. This is the one instance where the phrase "occupancy of accommodation" was used. It's really just a technical drafting readjustment to make this subsection uniform with all the other places in the bill, including the long title, where the word "accommodation" appears on its own.

**Mr. Jackson:** While I have David, then, does "accommodation" mean a building, a rental, an apartment or a leasehold, or does it mean the larger word, which is to accommodate a person with a disability: to accommodate them with speech-language services, to accommodate them with a signer? How are we to interpret this or how is a future interpretation to occur with just the word "accommodation"? Because "occupancy of accommodation," I got that. That was clear, and that's why I'm wondering.

David, you've answered the question, but I guess it must have been put in that way to mean accommodation where you rent space, own space or lease space. I'm wondering if that's what you meant, and you just made it consistent by removing that word, but that's what you interpreted it to be.

**Mr. Lillico:** As was noted previously, there may be more than one way to interpret the term, and there isn't a definition in the bill. There is a motion made later on on this point—I don't know, from a procedural point of view, whether it's appropriate to refer to it at this point—addressing the definition of the term "accommodation."

**Mr. Jackson:** Where might that be?

**The Chair:** Which section is that? Would you make reference, please?

**Mr. Lillico:** It's number 96.

1630

**The Chair:** At the end. OK.

**Mr. Lillico:** It's an adjustment to clause 40(1)(q).

**The Chair:** Is that OK, Mr. Jackson?

**Mr. Jackson:** Well, until I read it. It's 96 in the legislation, not in the amendment package.

**Mr. Lillico:** It's number 96 in the package.

**The Chair:** On the amendments.

**Mr. Jackson:** Oh, sorry. They're paginated. I should have looked. Thank you.

So, in effect, we're saying that the standards committees are going to determine the definitions of "accessibility," "accommodation" and "services." Isn't that what clause 40(1)(q) is?

**Mr. Lillico:** Section 40 is the section that provides for the making of regulations by the Lieutenant Governor in Council.

**The Chair:** Mr. Jackson, should I go to Mr. Marchese, or are you still on the floor?

**Mr. Jackson:** I'm trying to follow through the logic of this. I'll leave it at this, then: If we were to leave "occupancy of accommodation," we would be moving, in the legislation, into the area of the private rental market as defined by the space inside the apartment—if we leave

the clause the way it is. By removing it, we cast doubt as to whether or not this will cover anything other than the common area that a landlord would be responsible for. That's my first immediate concern in interpretation, because "occupancy of accommodation" would put in the legislation a positive onus on a landlord to modify the interior of the apartment, which does not exist, to my knowledge, anywhere in Canada. It does for the common areas, but it doesn't for the occupancy of the accommodation.

I'll leave that on the record. I appreciate what you're able to respond to, Mr. Lillico, but in my view the removal of that would constitute a reduction in the clarity of the bill.

**The Chair:** Mr. Lillico, if you don't mind staying there in case there are any other questions, please.

Mr. Marchese?

**Mr. Marchese:** It's more a matter of curiosity than anything else. I think that's why we're asking these questions—at least me.

In your view, if we had left the word "occupancy" in there, what could that have meant legally by way of the interpretation of that word?

**Mr. Lillico:** As noted earlier, there is no definition in the bill, but there is a proposed motion to come before the committee at a later time where there would be an opportunity to define the term "accommodation" there. The word "accommodation" is used many times in the bill. The phrase "occupancy of accommodation" is used only once, and that's here. So the purpose of the amendment is to adjust the—

**Mr. Marchese:** I understood that. That wasn't my question. I'm not trying to put you on the spot. You're a lawyer, and the point is to ask you: If the word "occupancy" stayed there—if you were to interpret that, what would that mean to you if we were to leave that word?

*Interjection.*

**The Chair:** I am asking her to take a seat.

**Mr. Marchese:** If it's too complicated, I don't mind dropping it.

**The Chair:** That's fine. By the way, I will leave it up to you to indicate to me which member of staff should potentially answer the question, if you don't mind.

**Ms. Katherine Hewson:** I'm Katherine Hewson. I'm acting assistant deputy minister at the Ministry of Citizenship and Immigration. I had thought this was a legal question, but I realize perhaps a policy answer might be more helpful to you.

The intention was not to reduce the coverage of this act through dropping the words "occupancy of." As David Lillico has stated, it was really just to bring it in to be consistent with the rest of the wording.

To answer the earlier question, the intention was not to address issues of accommodation as that word is used in human rights law generally, but it is meant to deal with buildings that people live in. I hope that's helpful.

**Mr. Marchese:** So the word "occupancy" means what again? My question was, if someone were to legally interpret that, what would it mean? And I'm not getting

that answer. I'm getting the fact that you're trying to standardize the language—I appreciate that—from a policy point of view, but that's not what I'm asking. If you were a lawyer and you were interpreting this, what implications are there? That's all I'm asking. If you don't know, that's OK.

**Ms. Hewson:** I think I'll defer that to our legal counsel.

**Mr. Lillico:** In the human rights context, this phrase appears there. It is used in that context of spaces, as was mentioned earlier—rented leased spaces, accommodation, as in housing. It's used in that sense, primarily.

**Mr. Marchese:** So would that have been a problem if we had left that word? Could it be, or might it be?

**Mr. Lillico:** It's more for a matter of consistency, removing the phrase "occupancy of," not meaning to change the scope of the bill, really just meaning to regularize the phrasing, because "accommodation" is used, I think, in that sense in other places; for example in section 6. I don't want to get too—

**Mr. Marchese:** I understand. So "occupancy" could have been limiting in terms of whom it might have covered. It could have been a limiting term; it might not have been as expansive, possibly. Is that another way of putting it?

**Mr. Lillico:** I think probably it just isn't necessary. I'm not sure that the meaning is intended to change.

**Mr. Marchese:** That's OK. Thank you very much.

**The Chair:** Are there any other questions? If there are none, then I will ask for a recorded vote.

### Ayes

Brownell, Jackson, Leal, Marchese, Parsons, Ramal, Wynne.

**The Chair:** The next is Mr. Marchese: clause 1(a).

**Mr. Marchese:** I move that clause 1(a) of the bill be amended by striking out "January 1, 2025" and substituting "January 1, 2020."

**The Chair:** Any comments on that?

**Mr. Marchese:** If there was any consistency from the deputants about an opinion around this bill, it would be this: I would say that 95% of the people who made a deputation felt that the 20-year period was simply too long. I'm a bit surprised that the government hasn't moved the timelines at all. At least, I thought you would do what I'm proposing now, which is to reduce the time period from 20 long years to 15. It isn't as drastic as some of the other people talked about. Some of the other deputants talked about nine years, many talked about 10 and, certainly, others talked about 15, but only a couple thought that 20 years was OK, for whatever reason—for different reasons.

It would seem to me that if you're holding hearings to hear people, and you hear people with disabilities and others consistently saying the time period is too long, you would think that the committee members would hear that and do something about it. The fact that we don't hear



that just makes you wonder sometimes why we have hearings. On a date where there is support from all the people affected by it—some exceptions, I admit. I had a lot of quotes, and it's unnecessary, really, to review for the record the quotes of various people who came before the committee. That is unnecessary and would bore a lot of you for sure. Many people felt that 20 years is too long, that for those who are 60, 20 years would put them at 80. God willing, some of them would survive it. But if you're a child and you have a disability, you have to wait 20 years for the full implementation of these changes.

I think 15 years is reasonable; I think we can accomplish what you want to do in 20. It would force us to speed up the changes we want to make. I think it's doable, and I think most people agree with me that it is doable. There's nothing that would prevent us from doing what we want to do within three five-year cycles instead of four five-year cycles. I just hope that the members of this committee are not tied to the minister or anyone else in terms of their obligation to do what they heard. And if you do what you've heard, then you would be supporting this motion.

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**Mr. Ramal:** I will repeat what we said many different times while we were travelling with the committee. The reality of the economic structure of the province and places tells us that 2025 is a realistic time and a logical time to achieve. Also, I want to repeat again that 2025 is the ending time, not the beginning time, and we proposed the five-year increment to study and evaluate the process. I think if this bill passes, we're going to see fast results and many new places being established, being built, being occupied. It's going to be targeted automatically, it's going to be obligated automatically to be accessible. So we're not talking about waiting 20 years or 25 years to be implemented. We're talking about logical economic steps to follow. As I said, we don't want to say that we're going to do it tomorrow. We'd love to do it tomorrow; we'd love to do it yesterday. But the logical, philosophical approach is that we have to set up a time frame for ourselves for logical ones, economical ones, and then we can target it and work on it in order to achieve it. That's why we said 2025 and we didn't say yesterday or tomorrow. That's the big difference between what we'd like to do and the reality. That's what we're talking about. Hopefully, you'll support us and all the members of the House will support us in passing this bill, and we can start seeing results right after we pass this bill.

**Mr. Jackson:** I think Mr. Ramal has raised the issue of what people can afford to do, and that's partially tied into this time frame of 20 years. What's frustrating, I think, is that there has been no financial commitment. We heard from deputants expressing concern that even specific ministries are cutting back on their budget allocation for certain buildings. The courts and the Attorney General—it's right in his report. Anybody can go to his Web site and see that they've taken the money out. That should be a cause for everyone's concern, because if we can't make our courts accessible in 15 years, then we're

in real trouble. If I'm to believe what Mr. Ramal has said, that as fast as we can pass this, the sooner we can get on with it, the fact is that we're spending less today through the Ministry of Citizenship on the disability act than we were two years ago. So there is legitimate concern out there. The fear is that 20 years will take 20 years, and that the spending will occur over 20 years, most of it in the last four or five years, which is essentially what usually happens on these long out-windows. I'm not going to cite the examples that I'm familiar with in my time in this Legislature, such as assistive devices and other programs that the disability community had waited for.

I will be supporting the amendment. I had to think about it long and hard because of the fact that the first bits of legislation had penalties and a framework and a positive legislated responsibility of the government of Ontario to make its buildings fully accessible. That time frame, according to the cabinet minutes—and the same bureaucrats who drafted my bill drafted this bill—was to be done in 10 years. So it would be improper for me not to support it. Yes, there are some sectors of our society that may need the 20 years, but the fact that the government of Ontario can take 20 years, in my view, is absolutely indefensible.

I have two concerns. One is that the framework doesn't obligate the government of Ontario in a specific way; it only obligates sectors. Secondly, there is no real budget being allocated this year or no dollar amounts being indicated by the ministry in terms of any future commitments. I just think this is very problematic. After the party's over, when this bill is passed, the hard work and the costing begin. Doing it over 20 years, in my view, will not get us there, specifically since we—let me put it to you another way. Mr. Marchese, in effect, is trying to reduce the historic discrimination against persons with disabilities in this province by five years. Are we up to the challenge?

**Mr. Parsons:** The analogy that 20 years is too long for someone who is 60 means that 15 is too long for someone who is 65 and 10 is too long for someone who is 70. That's not a realistic analogy. This bill, in contrast to the other bill, which, although it was only a 10-year time frame, didn't apply to very much—it applied to almost nothing.

**Mr. Jackson:** It applied to the government of Ontario. It's right in the bill.

**Mr. Parsons:** It didn't apply to business. It didn't apply to residences. It didn't apply to the vast majority of issues that someone faces.

I don't want to focus on just mobility issues, but I've got to reinforce that 20 years is not the starting point; it's the finish point. If any of you ever have occasion to visit small-town Ontario, you'll find that on most of the streets there is a one- or two-inch slip going into the buildings, simply because of lack of thought at the time they were constructed. There are some things that are going to take 20 years to rectify, but I don't believe that's the intent of the people in Ontario. Certainly the ones I've spoken to,

and again focusing on mobility, said, "I want to do something, but I want a level playing field. I want it to apply to everyone and then I can do it, so my competitor has no financial advantage over me." I would actually suggest back to them, as I have, that making it accessible gives them a financial advantage over the others.

Nevertheless, recognizing that it has taken 200 or 300 years to construct many of the barriers, it's going to take 20 years to get the last of them eliminated. But I expect the vast majority of the bill to be satisfied in the first five to 10 years.

**Mr. Marchese:** I just wanted to begin my remarks where Mr. Jackson left off because that's what I wanted to talk about. This is the reality: We're discriminating against people with disabilities. That's the reality. The reality is that we now, with the passage of our amendment, recognize the history of discrimination against persons with disabilities in Ontario, but they have to wait 20 years. That's the reality.

The defence for it is, "That's the end point, so don't worry; a lot will happen in between." The problem with the end point is that we all work not to correct a problem in the early couple of years; we all work to the deadline. So if the deadline is 20 years, I can bet my boots, to the parliamentary assistant, that this government and any future government will leave most of the work to the last moment. It's the way we are. I know you guys are going to be different because you're different and you're better—I hear that.

My view is that just like students—most students, except the great ones, and particularly women, who are better at this than us—tend to leave the essay until the last moment, and some need an extension. With few exceptions, that's the way we behave. It's no different in government, and in fact worse in government, and particularly so now that you are faced with budgetary problems. If you're faced with budgetary problems, it's going to be a little more complicated. I'm not saying you're going to do that; I'm just delineating for the others a context that will make it more complicated for you at this time. You're not going to rush to do some of these things. You're not. It's not that you don't want to, but there are some difficulties, financial in nature, that are going to prevent you from doing what you want to do.

The point of the timeline is, if you've got 15 years, you're going to work to that. If you've got 20, you're going to work to the 20. If you had made it 30, you would have worked to the 30. So there is no magical thing about logical. There is nothing logical about this. There is nothing logical about a time date, except we choose a time date.

My view is that the reason why you choose a 20-year timeline is to allow you, in a slow, turtle-like way, to do some things manageable by government by way of finances, and work with the corporate sector in case, my God, they might object to this. We want to give them 20 years to get used to it, because if you give them less time they might attack you. Right? So let's do this nice and easy, spread it out, don't intimidate, don't frighten any-

one, so that we can get through this slowly. The problem is, it's going to take 20 years.

The reality is discrimination against people with disabilities. We should be thinking of that in terms of the timeline because, if you have a 15-year timeline, you can still say the end line is 15 years, except we will accomplish things much faster because we've reduced that time. There's nothing, in my mind, that prevents us from doing what we want to do in 15 years—nothing.

1650

**Mr. Ramal:** I would like to add one comment about when Mr. Marchese was speaking about the logic of business. In order to be competitive and able to capture the new market and more customers, you have to be competitive. In order to be competitive, you have to be accessible. That's why many business people, in a logical sense, are not going to wait 20 or whatever years to accommodate their facilities in order to absorb or accept or be accessible to make more business. That's what we're talking about, in a logical sense.

**Mr. Marchese:** Here's the problem with that logic: If we use that logic, we're saying that employers can discriminate because of economics. That's what we're saying with that logic. Even if it's not intended, that's the consequence of that argument. If the issue is cost, then whether it's in 15 years or 20 years, it'll be the same thing; the argument remains the same. The other argument that we've heard from people with disabilities is that it doesn't cost much to accommodate. All it requires is the will not to discriminate; that's what it requires.

So, sorry, I don't buy into these arguments and ideas about the logic of economics and the logic of the economy, the market. No. If we say they should not be allowed to discriminate, and 15 years can do it, and the cost ought not to prevent them—in fact, most of them argue that the costs are not prohibitive. I think you should think about supporting this.

**Ms. Wynne:** I just need to make a comment, because there's a piece that hasn't been dealt with here. We're talking about 15 years or 20 years. In fact, once a standards development committee has been struck and standards have been put in place, and after the implementation dates have been set, they can't be more than five years after the date of the committee being established. So in fact the issue is getting the standards development committees up, because once that happens, once the standards are set, the implementation target dates are in place and they have to be within five years of the committee being struck.

I understand why politically this discussion is going on, but I think if we read the act and we understand that the committees are going to begin to be established as soon as we can get the legislation through, then people are going to start to see changes within five years. The sooner we can get the bill passed, the sooner we can get those committees up and running and the standards in place.

**Mr. Jackson:** Ms. Wynne has raised another issue, and I really didn't want to get into this, because what sits



at the seat of her response is the fact that the disability community doesn't determine those five-year cycles. If they did, I'd be more comforted in the knowledge. But one of the first questions I asked during my briefing was, how many committees are we talking about? The number we got ranged from 12 to 20, and possibly more. When you cross-reference that with the fact that there's still no budget line for the activities of these committees, no clarity in terms of the guidelines—I just hope we've got the resources to get all these committees up and running. There's a huge number.

The minister already indicated before this committee the three areas that she felt were her priorities, and fine; she's in a position to do that. But I think that to argue that as soon as we get them up and running we'll get all this done as quickly as possible wouldn't be a fair analysis of the outcome because of the enormity of the work that's ahead of us.

The disability community has spoken to us, and has said very clearly, "We want to make sure that the priority items are being dealt with in a reasonable time frame." It's why the construct of previous attempts at legislation was to say that the government must be more accessible by a certain time frame. In this instance, we don't know. That's an uncertain turf for the next 20 years.

To the credit of the minister, she has identified transportation early. She has identified people wanting to get into a restaurant as a priority and people wanting to rent a hotel room as a high priority. That's fine. But there are a lot of people out there who came to us, who have an autistic child, who will be on social assistance by the time the bill is passed—and they're not even in school yet. It's almost better to say that there will be some areas that will need a five-year extension and target the 15, but 20 years for certain groups that are left to, with all due respect, a bureaucratic or a political decision as to where the priorities are going to be—the disability community is not driving that bus. The government will get input from the standards council, but they're still not driving outcomes that they can feel comfortable with, that they can reach within the 20-year period. The net effect is to shorten the period to help us identify priorities. If there are areas that we can't—we know we're not going to take 20 years to make the local Delta Chelsea hotel accessible. They've done an extremely good job already. They don't need 20 years. But how do we look at an autistic child in the face, how do we look at a deaf-blind person, and say, "We've got 20 years to address your needs?"

I think that's the point, and I'll leave it at that. That's the last I'll speak to this amendment.

**Mr. Marchese:** I have two quick remarks, because Mr. Jackson covered a lot in that one. I'm agreeing with you, especially as it relates to the standards committees, how many are going to be set up and when.

In spite of the intent of the minister, in terms of what Mr. Jackson is saying, we don't know what will in fact be delivered and by what timelines. We don't have a clue. It all depends upon the wish of the government or the minister, in terms of how fast they move. That's why

timelines are so critical. If you shrink them, you're forced to act. If you extend them, you say, "It's OK. We've got 20 years." That's one.

Second, in my view, 90% of the deputants, whom I found intelligent, passionate and reasonable, said the timeline is too long, and I think we should listen to them.

**The Chair:** Is there any other comment or debate on the issue? If there is none, I will ask for a recorded vote.

### Ayes

Jackson, Marchese.

### Nays

Brownell, Lalonde, Leal, Parsons, Wynne.

**The Chair:** The motion does not carry.

We'll go to the next clause, 1(b).

**Mr. Marchese:** I move that clause 1(b) of the bill be struck out and the following substituted:

"(b) providing for the involvement of persons with disabilities, of the government of Ontario and of representatives of industries, of various sectors of the economy and of employees in those industries and sectors in the development of the accessibility standards."

What I am adding here is employees. If we follow with the argument that the Liberal members of this committee have put forth today in their government motion 2, which says the purpose of this act is to benefit all Ontarians, then it would seem to me that we should be involving employees as well, where it's applicable. We make the argument that employers should be involved, and we don't include the fact that employees in those industries or sectors should be involved in the development of the accessibility standards. I think we should include them, unless there's some legal or policy argument against it with which I may not be familiar. I think this would be a good addition.

**Mr. Ramal:** I think that Bill 118 already creates an inclusive process for standards development which will allow participation in many sectors to establish a standard. We'll see it in the future, and we'll also have a clause that will come in the future, when we're doing clause-by-clause, talking about the minister's right to invite other sectors to enhance the standards and help the minister establish the standards to fulfill Bill 118.

### 1700

**Mr. Jackson:** I think the amendment has merit. I think it's fairly benign. If the government is suggesting that it envisages a situation where the only individuals representing industry will be owners, managers or shareholders, then I think this is a reasonable, simple amendment, and I don't see anything problematic with it.

My concern is that a simple majority of persons with disabilities—this will come up in amendments that I'll propose further on. I have concerns about people taking a civil servant with poor vision and putting them on and saying, "You're a member of the disability community,"

when in fact they're representing the government. That's another issue, but I think it would be inappropriate if we find out that all the members of the advisory committee are men and there are no women; I think it would be wrong if all of them were owners of companies and not employees or union reps, and so on. I think that's a principle of fairness, access and equity. I consider this to be very benign; I'd be surprised if the government has any serious objections to it.

**The Chair:** Mr. Leal and then Mr. Marchese.

**Mr. Leal:** My understanding is that, as we move through the amendments—I think 27 allows the minister the authorization to include unions and other employee groups to be active participants in the standards development, which I think is appropriate to make sure that employees, as my friend Mr. Marchese has talked about, have their opportunity. Often they're there on a day-to-day basis, implementing what the standards are all about. In my understanding, amendment 27 covers it.

**Mr. Marchese:** I understand that amendment 27 speaks of: "that the bill be amended by adding the following paragraph:

"Such other persons or such organizations as the minister may consider advisable."

That may be a nice, flexible thing for the minister to have; it's not a problem. But you're at the mercy of the minister deciding whom she or he will invite. She may or may not invite some people; she might decide she likes another group and invite another group. You understand the point. You're at the mercy of somebody deciding that. It's not like there are criteria, right? It's not as if we're supporting criteria that say, "The minister shall involve other persons or organizations on the basis of," so that you could say, "OK, on the basis of that, the minister can choose whomever." It would be good if we had such criteria, but there are no such criteria.

All I'm trying to do is understand the objection to employees. That's all I'm trying to understand. If you think it's harmful in some way, tell me that, so that I understand. I'm not sure. But if you're saying in this section that it can involve persons with disabilities, the government of Ontario and representatives of industry, and you don't include employees, is there a problem? If there is, I'd like to understand it. If there isn't, that's fine; you'll reject it, and we'll move on. But I would like to hear from somebody.

**Mr. Ramal:** The minister, I guess, in section 27, would be given the chance to seek more advice, and might go to the union and might not. In some sectors already, within the sector is a union, so it's up to the sector to choose the union or not. This gives the chance to the minister—

**Mr. Marchese:** This is employees, not unions.

**Mr. Ramal:** I'm talking about employees and unions. It would give the chance for the minister to have some kind of flexibility to seek any advice she or he might think is important to strengthen the bill and make it go forward.

**Mr. Marchese:** Do you think it's wrong or a problem not to include employees in this case?

**Mr. Ramal:** When we talk about the amendment we're proposing to section 27, you're going to notice that it gives the minister a chance to seek any other advice. There's no need to duplicate issues and make it bigger. We're trying to move forward on this issue.

**The Chair:** Any further comments or debate on the matter? If there is none, I'll ask for a recorded vote.

### Ayes

Jackson, Marchese.

### Nays

Brownell, Leal, Parsons, Ramal, Wynne.

**The Chair:** I declare the amendment defeated.

We have done all of section 1. Shall section 1, as amended, carry?

### Ayes

Brownell, Jackson, Leal, Marchese, Parsons, Ramal, Wynne.

**The Chair:** Before we move to section 2, just a reminder that there are two people in the back of this room for anybody who needs assistance, and, of course, we have translation. If anyone needs such services, please indicate that to me.

There are no amendments to section 2 and section 3. Shall sections 2 and 3 carry?

### Ayes

Brownell, Jackson, Leal, Marchese, Parsons, Ramal, Wynne.

**The Chair:** Next is section 4. Mr. Marchese.

**Mr. Marchese:** I move that section 4 of the bill be struck out and the following substituted:

"Application

"4. This act applies to every person or organization in the public and private sectors of the province of Ontario, including the Legislative Assembly of Ontario."

As will be noted in subsequent amendments, which will become redundant after we pass this motion, I think it may have been an oversight of language not to include the Legislative Assembly, in terms that obviously that body ought to deal with issues pertaining to this bill. We're happy to move that and happy to support it.

**Mr. Ramal:** We'll speak about this section later on in the bill, but we agree with this motion. I think we'll vote in support.

**Mr. Jackson:** We've tabled a similar motion. I was surprised at the amount of resistance to this from the Speaker's office three years ago. I would hope that by



entrenching it in a more direct way, we'll get some tangible results.

Again, it's a principle I adhere to; that is, that the first level of accommodation should be the level of government that can most afford it. We should be showing by example.

There are autonomy issues here, and I suspect the Speaker will be compliant. But our Legislative Assembly and the legislative precinct are a very independent group, and I would just hope that the legislative precinct is inclusive of the reference to the Legislative Assembly of Ontario. I would hope that we get on with the cost of doing that.

Just to put a fine point on it, recently all caucuses received a presentation from the Speaker and the Clerk with respect to public safety and members' safety. I asked what progress had been made in terms of accessibility. Let's just say that I hoped for a more fulsome response because of the million or so dollars that they felt were essential to make it safer for us. I felt it was far more appropriate to be making this place more accommodating to the public with those kinds of dollars being sought after and budgeted.

1710

Perhaps this will cause the Speaker and the Clerk to revisit those budget dollars that they were looking for. They certainly would not be party to a standards committee; they hold that degree of autonomy. So I suspect it would be up to all three parties to drive that outcome, which is our responsibility under the committee of the Legislature responsible for it.

I feel very strongly about this issue. I know it's something that Gary Malkowski felt very strongly about. He experienced some early successes with it, but it was very difficult for Gary Malkowski.

**Mr. Marchese:** But they did make changes.

**Mr. Jackson:** There were changes, and they weren't inexpensive.

Again, this gets back to the issue of full accessibility, which is something that is not included in the legislation, but it is within the reach of this Legislative Assembly for it to be fully accessible, even though the province will not be able to in this legislation.

As I have tabled the amendment, I too will support it, and I'm pleased all three of us can agree on that.

**The Chair:** I will now put the question. Anyone in favour? It's a recorded vote.

### Ayes

Brownell, Jackson, Leal, Marchese, Parsons, Ramal, Wynne.

**The Chair:** That carries.  
Section 4, page 7.

**Mr. Marchese:** That now becomes redundant. It's the same motion.

**The Chair:** It's up to him. Do you want to remove it?

**Mr. Jackson:** No, we're fine. We're not here to decide who gets credit for what amendment; we're here to get the bill looking good and being better. So let's not worry about that.

**The Chair:** As I understand it, page 7 is out of order, so we'll remove it and then we'll move on to the next one.

**Mr. Jackson:** It's not out of order. Let's be careful.

*Interjection.*

**Mr. Jackson:** No, I don't want to withdraw. It's redundant because we've passed it. If you withdraw it, it sounds like it's not in order.

**The Chair:** It's redundant. That's what—

**Mr. Jackson:** I just don't want someone to stand up and say, "You withdrew your amendment."

**Mr. Marchese:** It's the same motion, therefore it becomes unnecessary. That's about it, right?

**Mr. Jackson:** It's the same motion, therefore it becomes unnecessary, and there is all-party agreement on the motion.

**The Chair:** That's why, Mr. Jackson, I had asked you to tell us what you want. I think you just did, and that's fine.

**Mr. Jackson:** I said it was redundant. That's what I said.

**The Chair:** Fine. So we can move on to the next one, then.

**Ms. Wynne:** Mr. Chair, I have a procedural question. I have been on committees previously when members of Mr. Jackson's caucus have withdrawn motions when there has been an identical motion passed. My understanding was that the procedure was that we could withdraw our motion in recognition of the fact that the identical motion had just been passed. Is that accurate?

**The Chair:** I would ask that the clerk clarify this technical point. Say it loud so everybody can hear the same thing, please.

**The Clerk of the Committee (Ms. Anne Stokes):** When there's an identical motion, it can be withdrawn. If the member chooses to move it, it would be ruled—

**Mr. Marchese:** Out of order.

**The Clerk of the Committee:** Presumably it would be out of order because it would be redundant. It has already been debated and considered.

**The Chair:** OK. Can we move on?

**Mr. Jackson:** We can proceed. I have no intention of withdrawing it, but if you'd like me to move it, I will, and we can vote on it. I think we'll just keep it simple.

**The Chair:** We couldn't vote, as I understand. He made a statement that it's redundant and he has accepted.

**Mr. Jackson:** I don't trust them. It's real simple.

**Ms. Wynne:** Just don't move it.

**Mr. Marchese:** If you were to simply say that there is a Conservative motion that is similar to the one we just passed, we'd just acknowledge it and move on.

**The Chair:** Exactly. I recognize that page 7 is redundant and therefore there is no motion on the floor.

We'll move on to the next one, which is page 8. Mr. Parsons, you have the floor.

**Mr. Parsons:** I think this is a great motion, but it is redundant and I simply will not move it, Chair.

**The Chair:** OK. So I declare it to be redundant and I'll move on to number 9. Mr. Jackson.

**Mr. Jackson:** It's very clear what I'm trying to achieve here: that the bill, in and of itself, discriminates among those Ontarians to which an accessibility standard applies. In the front end, we argued laboriously about the fact that this act is for everybody, but this is the first instance where we are saying, "Yes, it's accessible for everybody, unless, of course, you're one of those persons to which an accessibility standard does not apply." This is a contradiction.

Secondly, Mr. Parsons eloquently referenced the fact that he could walk out of here today—and he's fully ambulatory, but he could be—

**The Chair:** You are debating a motion, but you didn't move it.

**Mr. Jackson:** I apologize. I move that section 4 of the bill be amended by striking out the words "to which an accessibility standard applies" at the end.

**The Chair:** Mr. Jackson, I find this motion to be out of order. The committee has amended the bill so that this motion is inconsistent with a decision already made by this committee. Therefore, it's out of order.

**Mr. Jackson:** Why would it be out of order when—

**The Chair:** We already addressed this item—

**Mr. Marchese:** Where?

**The Chair:** Section 4.

**Mr. Jackson:** OK. Fair enough. So you're saying that this act now applies to every single person without regard to an accessibility standard applying to them.

**The Chair:** Section 4 has already been struck out, and what it has been replaced with is this section, which says: "This act applies to every person or organization in the public and private sectors of the province of Ontario, including the Legislative Assembly of Ontario."

**Mr. Jackson:** It includes everybody.

**The Chair:** OK?

**Mr. Jackson:** That's fine.

**The Chair:** So you're satisfied?

**Mr. Jackson:** Yes.

**The Chair:** Thank you.

**Mr. Marchese:** Hang on.

**The Chair:** We changed the language under section 4. If you want, I can read it again.

**Mr. Jackson:** No, it's his amendment.

**Mr. Marchese:** Yes, and I'm just trying to remember how I—

**The Chair:** Do you want the page? I can read it to you.

**Mr. Marchese:** Yes. Read it again, please.

**The Chair:** "This act applies to every person or organization in the public and private sectors of the province of Ontario, including the Legislative Assembly of Ontario."

So, Mr. Jackson, do you want to move the motion?

**Mr. Jackson:** No, no.

**The Chair:** OK. So then I'll just say that this section is out of order.

**Mr. Jackson:** I'm happy. It's out.

**The Chair:** OK. Good. All right. So we'll move on. That deals with section 4, so I will take a vote. Shall section 4, as amended, carry? It's a recorded vote. Anyone in favour?

**Ayes**

Brownell, Jackson, Marchese, Parsons, Ramal, Wynne.

**The Chair:** Section 5: There's no amendment. Therefore, shall section 5 carry? Recorded vote. Anyone in favour?

**Ayes**

Brownell, Jackson, Leal, Marchese, Parsons, Ramal, Wynne.

**The Chair:** Now we go to section 6. The first one is Mr. Marchese, on page 10.

**Mr. Marchese:** I'm going to, for clarity purposes, say that I'm going to withdraw the amendment, because the intent of what I wanted to achieve is not in this amendment, but the government does have a motion that speaks to the same thing. So we'll leave it to the government to move it, and we'll support it. I'm withdrawing that amendment.

**The Chair:** Thank you. So page 10 has been withdrawn.

We now go to the next one, which is Mr. Ramal or Mr. Brownell.

**Mr. Jim Brownell (Stormont-Dundas-Charlottenburgh):** I move that subsection 6(3) of the bill be struck out and the following substituted:

"Same

"(3) An accessibility standard may apply only to a person or organization that,

"(a) provides goods, services or facilities;

"(b) employs persons in Ontario;

"(c) offers accommodation;

"(d) owns or occupies a building, structure or premises; or

"(e) is engaged in a prescribed business, activity or undertaking or meets such other requirements as may be prescribed."

It's much like what my good friend Mr. Marchese presented, in that we went a little further in providing that the words "to the public" be removed to make it consistent with the Ontario Human Rights Code, and really this is creating a more accessible society.

**1720**

**The Chair:** Any debate on this?

**Mr. Marchese:** We had a number of deputants who spoke to this in their briefs. Not everybody tackled that, but it was clear that many did. They said that if they



included this language, it would be inconsistent with the language of the Ontario Human Rights Code and therefore it would be a problem. So it's a useful amendment. We support it.

**The Chair:** Any further debate?

**Mr. Jackson:** Just to indicate that I too had tabled amendments to achieve the objective of the motion that's currently before us, so I will be supporting it.

**The Chair:** Any further debate? If not, I'll ask for a recorded vote.

### Ayes

Brownell, Jackson, Leal, Marchese, Parsons, Ramal, Wynne.

**The Chair:** The motion carries.

Mr. Jackson, page 12. It's clause 6(3)(a).

**Mr. Jackson:** I wish to propose an amendment. I move that the bill be amended by adding the following subsection:

"Same, Legislative Assembly

"(3.1) An accessibility standard that applies to the Legislative Assembly may impose obligations on the Speaker of the assembly and may apply with respect to all or part of the Legislative Building or of such other offices that fall within the jurisdiction of the Legislative Assembly and are identified in the accessibility standard."

**Mr. Ramal:** Where are we? Sorry.

**The Chair:** It's page 12, which is clause 6(3)(a).

**Mr. Jackson:** I'm on page 15, because 12, 13 and 14 are redundant.

**The Chair:** No, Mr. Jackson, it's number 12.

**Mr. Jackson:** Which?

**The Chair:** What we are dealing with is page 12, which is clause 6(3)(a). That's what we are dealing with.

**Mr. Jackson:** I've indicated that they are redundant by virtue of the fact we've just passed the other section.

**The Chair:** So number 12 is redundant.

**Mr. Jackson:** It's redundant. So are pages 13 and 14, all motions that I tabled, now. But you know, as page 15—

**The Chair:** But it's the government that will do that.

**Mr. Jackson:** Oh, it's a government motion. Sorry.

**The Chair:** Ms. Wynne.

**Ms. Wynne:** Subsection 6(3.1) of the bill: I move that the bill be amended by adding the following subsection:

"Same, Legislative Assembly

"(3.1) An accessibility standard that applies to the Legislative Assembly may impose obligations on the Speaker of the assembly and may apply with respect to all or part of the Legislative Building or of such other offices that fall within the jurisdiction of the Legislative Assembly and are identified in the accessibility standard."

This amendment is necessary in order for the amendment in section 4 to be implemented and realized.

**Mr. Marchese:** I would just like to ask the government members: "An accessibility standard that applies to the Legislative Assembly may impose obligations." Is there a reason why you say "may"? It's as if we are alerting the assembly that this could impose obligations on them, as if to advise them. That's not the purpose of it, right? We don't want to just advise them this will happen. Is there an obligation on the Legislative Assembly, yes or no? If there is, why do we say "may"?

**The Chair:** Ms. Wynne, do you want to answer, please?

**Ms. Wynne:** I'm not a lawyer, and we maybe should have a lawyer answer this question, but I think the "may" is that the thing may exist, as opposed to "shall."

**The Chair:** Do you wish to have someone answer?

**Ms. Wynne:** Can we have the lawyer answer the question?

**Mr. Marchese:** Or reword it so that they actually do what they've got to do.

**The Chair:** Maybe you can keep those two lovely seats in case there are future questions, please. Thank you.

**Mr. Lillico:** The question again is about the use of the term "may"?

**Mr. Marchese:** If we are now obliging the assembly to fall under this act, why do we use the language "may" as if to advise them, "By the way, this may affect you"?

**Mr. Lillico:** The standard doesn't exist yet. I don't think we know what the text of it would be until it's in effect, what the content of it would be.

**Ms. Wynne:** Is this "may" used in order to basically give permission for such a standard to apply to the Legislative Assembly? Is that what the "may" means, as opposed to the way I think Mr. Marchese is interpreting it, that there may be obligations? It's permissive in terms of such standards being created. Is that correct?

**Mr. Lillico:** Yes.

**Mr. Marchese:** Except, Kathleen, motion 6 says, "This act applies to every person or organization in the public and private sectors of the province of Ontario, including the Legislative Assembly of Ontario." If that is so, the law applies to the Legislative Assembly. That amendment 6 already says that the Legislative Assembly is obligated to do what it has to do under this act, and this motion says it "may."

**Ms. Wynne:** It gives it permission.

**Mr. Marchese:** But the amendment already does that.

**The Chair:** There seems to be a legal issue here, so I'll ask again, Mr. Lillico, if you can answer. Then I'll go to Mr. Jackson.

**Mr. Lillico:** This provision is to provide greater clarity. In other provisions of the bill, it's clear that standards can be made applicable to various industries and sectors of the economy. There are already existing provisions in the bill as originally tabled to deal with that. But the bill as originally tabled did not make any reference to the Legislative Assembly of Ontario, and the committee has just considered section 4 to add that. What this language does—motion number 15 to add a sub-

section 3.1—is make it clear and specific that under this motion there would be, as was mentioned earlier, legal authority to prepare a standard that would impose obligations as set out here.

**Mr. Marchese:** I find it so odd. If amendment 6 says the act applies to the Legislative Assembly of Ontario, that couldn't be clearer, whereas when I read this amendment and you throw in the word "may," it just implies that they may or may not, could or could not. You know what I mean, right?

**The Chair:** Let me recognize Mr. Jackson and we'll go around again.

**Mr. Jackson:** I apologize for reading this into the record accidentally and I'm glad that Hansard won't record that I actually moved it, because I have some concerns with this. Again, I'm tapping into some of the information that was shared with me when the two people before us and I were working together to draft the first bill.

There are serious problems with obligating the Legislative Assembly. It has a historic independence from the crown. It has an historic independence. I don't know how to better say it. Since they put the bar down on the door, the mace, to not let King Charles come in, that has carried over to this day.

Having said that, this was a problem for me and now it would appear to be a problem for this government—or this legislation; I don't want to personalize it. However, this solution I don't think is doing that, because Mr. Marchese is absolutely correct: "may" allows you to drive a hole through this.

I'm going to give a practical example. The Supreme Court of Canada, absent of an appeal, could rule that all court proceedings have to provide Braille services and/or deaf-blind interpretive services. That could be the law. OK? So that would put an obligation—and governments have had to do this in the past on disability issues—on our courts and whatever, and that would become the standard for the province, save and except the Legislative Assembly. I'm having real difficulty with that. Our building is not accessible. We've known that for a long time. The current government and administration is making an excellent attempt at trying to make this process more accommodating. It is horrendously expensive, and I don't believe it was intended to be paternalistic, to suggest that this is the only legislation of interest to the disabled community and that's why we bent over backwards to accommodate them. This should be the norm in a province that is committed to being barrier-free.

1730

I want no stock with something that gives a clause this big to drive a truck through for the Speaker of the day. I really wish we could have consulted a little more with the Speaker and with Claude DesRosiers, the Clerk of the Legislature, because we're poised to spend a couple of million dollars—apparently, we need this much more safety and protection around here—but we're not prepared to commit those dollars with respect to access for the disabled community. This theme is going to come forward when we discuss my amendments with the

Election Act, because the old legislation wasn't adequate, but it's still silent in this legislation. We are obligating an allegedly arm's-length level of government to meet a standard, and this is tricky.

If we do nothing and do not pass this, our Speaker is obligated to perform to the highest standards possible in this country. I'm comfortable leaving it alone. I really have a hard time supporting this motion, whose net effect is to say, "These are all our lofty goals. But you know what, Speaker, if you don't want to make that your budget—"

This is out of line, but not out of order. We have a conflict here, because the monies that pay for our compensation package, the money that pays our mileage, the budget that pays for the perks we get around here, all come from the same pot of money that we need to make a commitment to the disability community. I'd be less than honest if I didn't say that that was part of the point of resistance. I certainly, for one, want to sleep at night knowing that we've at least stated that our level of accommodation is not with regard to our financial benefit and not to our self-interest but to the larger interest as purported and professed eloquently, that this applies to everyone in the public and private sector and the Legislative Assembly. That's my final say on the matter. I cannot in conscience pass this.

**Ms. Wynne:** Again, the caveat that I'm not a lawyer, I just need to clarify my understanding of this, which is that we've just said in section 4 that this act is going to apply to the Legislative Assembly of Ontario. There are always moments in these committee hearings where you really need Noam Chomsky at the table, because my understanding is that this is—

**Mr. Marchese:** Did you say "Noam"?

**Ms. Wynne:** Noam Chomsky.

This is "may" as opposed to "may not," not "may" as opposed to "shall." So my understanding is that there needs to be a legal authority that exists in order for section 4 to be implemented, and that that's what this section does. It gives the legal authority to the standard that has been written to put these obligations on the Speaker. That's my understanding. I'm getting nods, so I think that's what it's here to do: not to give wiggle room not to implement, but rather to give legal authority for the standards to be imposed.

**The Chair:** Is there any further debate?

**Mr. Jackson:** You've opened it up with that statement. That in fact is not the case. The fact of the matter is that we have a Legislative Assembly committee. It's a standing committee; it's in the law of the land; it's required. We have a responsibility as legislators to bring into effect those matters that occur within the legislative precinct. It's a bad analogy, but it's like people thinking the Vatican is a city in Italy. It's a separate state, and it has a separate head of state. The OPP and RCMP have to get permission to come on to our property, because we have our own security—issues like that.

Yes, staff are nodding. They're the same staff who nodded to me years ago when we had the problem with this.



"May" impose—so we get a standard. Like I said, it's OK in the courts to have this standard, it's OK for my corner Beckers store to have this standard, but it's not OK for the Leg Assembly, because they "may" impose an obligation on our Speaker. I'm not passing it. The disability community got the difference between "may" and "shall." This isn't "may" and "not may." Frankly, it'll be April by the time we're done, but it's not "may."

**Mr. Marchese:** I think Cam Jackson is on the wrong track in terms of the argument. I suspect the reason why "may" is here is that, as he points out, we have a difficulty in terms of what we can impose on the Legislative Assembly. That's the real political problem. So this language is here to say, "We're going to work things out. We're going to work with the Speaker and the Legislative Assembly, and hopefully we can get a whole lot of things done."

It could impose some obligations on the assembly. That's what this is really about. It doesn't eliminate the wiggle room at all. It doesn't do that. It really is intended to say, "I hope that they co-operate and that we can get the Legislative Assembly to respond to this act in appropriate ways."

**Mr. Jackson:** I'll just put it to you in this context: It would be illegal to have legislation that impels an MPP to serve on a committee outside of the Legislature. It's against the law. So if you think this through, we're going to have a standards committee developed without MPPs. Who thought that one up?

I went through hours of briefing on this, because it aggravated me. I can't stand the fact that this building is not accessible. It's terrible. It's a crying shame. And here we are, arguing about "may" or "will" and wiggle room.

**Mr. Marchese:** Could I ask the lawyer, briefly: If we were not to include this amendment, and simply have amendment 6, which says, "This act applies to every person or organization in the public and private sectors of the province of Ontario, including the Legislative Assembly of Ontario," wouldn't that do it? Could we not withdraw the other one?

**Mr. Lillico:** As I think has been mentioned before in the committee, there are inherent constitutional privileges enjoyed by the Legislature of Ontario and other Parliaments in Canada, and if those Legislatures choose to abrogate that privilege by submitting themselves to a law passed, of course, by majority vote in that Legislature, then that can be done. It's legally permissible for that to be done; it's constitutionally in order.

In order for the abrogation of privilege—in this circumstance, for the application of an accessibility standard to the Legislature—to be effective, as was mentioned earlier, it's legally appropriate to bolster what has already been voted on in section 4 by this more specific language in 6(3.1).

**Mr. Marchese:** I just don't see that.

**The Chair:** He's giving us his professional opinion.

**Mr. Marchese:** He has a legal opinion, and I just don't see it. But God bless. OK; let's move on.

**The Chair:** Have you finished your explanation, sir?

**Mr. Lillico:** If I could just make one further comment: The question, then, is whether section 4, as has been amended by the committee, is clear, unambiguous and unarguable, on the basis of section 4 alone, that an accessibility standard could be applied to the Legislature.

**Mr. Marchese:** Yes, very clear.

**Mr. Lillico:** My view would be no. It is ambiguous; there is room for interpretation. If the wish of the committee is to make it clearer and more specific that there is legal authority to have an accessibility standard apply, according to the structure that's in the bill for other standards development committees and so on—if it's the will of the committee to do that, then my advice would be that it's appropriate to bolster section 4, already voted on, by adding this one as well.

**Mr. Jackson:** I would propose an amendment to the amendment that replaces the word "may" with "shall" in the first and second lines of the motion before us.

1740

**The Chair:** It's normally requested that you put that in writing so that there is no confusion on the matter. Maybe the clerk can assist. We will give a copy to all—

**Mr. Jackson:** The legal counsel is busy doing just that. Two "shalls" is—

**The Chair:** See how quick our staff is today.

*Interjection.*

**The Chair:** Let me ask the question. That's your amendment to the amendment. Is there any question on the amendment? Does anybody have any debate on the amendment to the amendment? That's first.

**Mr. Marchese:** I'm prepared to support it on the basis that it is consistent with amendment 4, which says that this act will apply to the Legislative Assembly. If we have "shall," then it will apply, and if we have "may," we're not certain. Quite simply, I think there's no reason why we couldn't obligate the Legislative Assembly to do this if we required them.

**The Chair:** Mr. Ramal, you're next.

**Mr. Ramal:** As a result of the legal advice, I think we're going to go against the amendment, because it would conflict with what's been said.

**The Chair:** Any other debate on the amendment to the amendment? If there is none—you'll write it down. Is it necessary?

**Mr. Jackson:** No, everybody gets it.

**Mr. Marchese:** I think we're going to lose it, so let's just vote on it.

**The Chair:** I think we all understand what it is.

Can I then ask, only to the amendment to the amendment?

**Ayes**

Jackson, Marchese.

**Nays**

Brownell, Leal, Parsons, Ramal, Wynne.

**The Chair:** The amendment to the amendment is defeated. We still have the amendment on the floor. Is there any further debate on the original motion?

**Mr. Jackson:** I have one question: How is this—maybe the parliamentary assistant can get some advice from this side. How do we obligate the Legislative Assembly committee to participate and perform in this regard?

**The Chair:** Mr. Ramal, do you wish to answer?

**Mr. Ramal:** I guess it's been mentioned in section 4 and it's been voted on. Also, we sought legal advice on the section we've been talking about now. I think to be in compliance and uniform with the whole bill, that's why we're going against the amendment to the amendment, and we support this amendment.

**The Chair:** Any further debate? If not, I'll take a vote.

**Mr. Marchese:** I just want to point out that the legal counsel said that if we left it to amendment 4, there would be no certainty that this bill necessarily would apply to them, unless you have this amendment. That's what you were arguing, right? Is that what you said?

**The Chair:** OK. Please. Mr. Marchese has finished his comments. I thank you.

**Mr. Marchese:** If that's what he said, then that's fine.

**Mr. Ramal:** This amendment came to clarify section 4. Otherwise, motion 4 wouldn't be feasible, wouldn't be good in order to strengthen the bill.

**The Chair:** If there is no further debate, I will now put the question.

### Ayes

Brownell, Leal, Marchese, Parsons, Ramal, Wynne.

**The Chair:** It carries. Page 15, let's call it, carries.

Mr. Marchese, page 16.

**Mr. Marchese:** I move that section 6 of the bill be amended by adding the following subsection:

"Same—level of accessibility

"(5.1) Where an accessibility standard sets out a measure, policy, practice or other requirement for the removal of a barrier and the subject matter of that accessibility standard was dealt with under the Ontarians with Disabilities Act, 2001 as it read on the day this act received royal assent or under a standard or guideline that was in force under the Ontarians with Disabilities Act, 2001 on that day, the accessibility standard shall provide equal or greater protection to persons with disabilities as was provided by the Ontarians with Disabilities Act, 2001 or the standard or guideline under that act."

Not everybody who came in front of the committee spoke to this. I think there were a number of people who have expertise, like Mr. Lepofsky, who is here, and others, who spoke to this in their briefs, representing many organizations. Part of what they were saying is that there are provisions in the current ODA, 2001, which should be retained, and they say specifically sections 24 to 32 of the ODA, 2001, which amend a series of other Ontario statutes, i.e. the Election Act; the Election

Finances Act; the Highway Traffic Act; the Human Rights Code; the Legislative Assembly Act; the Municipal Act; the Municipal Elections Act, 1996; the Planning Act; and the Social Housing Reform Act, 2000—those provisions, they argue, should be retained.

My amendment attempts to deal with all of those, except in a very collective way, so that whatever was achieved under the previous bill, we don't want to lose. This amendment says that we will provide equal or greater protections to persons with disabilities with this bill, but nothing of the previous bill gets lost.

I will be interested to see what the government members and their legal staff or others have to say with a view in support of this or not. I think that this is intended to provide not just protection for the gains that have been made, but to build and not lose one single thing. If we don't do this, I'm not sure that any of the amendments that we have here will deal with it in this way.

**Mr. Ramal:** While this amendment being proposed by the NDP asks for quick action, it also has a negative side and will work against the collective processes to develop the standards. It will be an obstacle to the development of the standards and to making the whole process work smoothly and diligently.

Also, the government side will actually propose an amendment in section 32 to make some adjustments for the director of the disability committee to make it more accessible, more practical. Many standards of this bill will provide some kind of commitment to delivering this bill and making most of the places in Ontario accessible.

We also talk about the minister in some sections of the bill having the right to seek advice and seek some kind of support from other sectors in order to achieve her goals.

**Mr. Marchese:** Just to continue asking the question: Sorry, it wasn't clear to me that this motion somehow would become an obstacle to you doing or what this act is—

**Mr. Ramal:** We're talking about the quick movement—

**Mr. Marchese:** Yeah, quick: over 20 years. What this says is that whatever was in Bill 25, I think—

**Mr. Jackson:** 125.

**Mr. Marchese:** —Bill 125—whatever gains people with disabilities made under Bill 125 should not be lost. Some argued that unless we include a measure like mine, we could lose some of those potential gains that were made. I read out a number of areas where gains were made. I agree that it's very general and not as specific as it should be, but those of you who have the knowledge will remember that gains were made under the Election Finances Act, the Highway Traffic Act, and so on, and that they could potentially be lost unless they are included. Could we get a legal opinion that might help me to be clear on this?

**Mr. Lillico:** If the concern is that the provisions in question would be repealed when the ODA, 2001, is repealed, as is proposed here, that would not be the case. Bill 125 contained the text that became the ODA, 2001. It also had a series of complementary amendments in it.



Those include, as has been mentioned, the Election Act, the Election Finances Act, the Highway Traffic Act, the Human Rights Code, the Legislative Assembly Act, the Municipal Elections Act, the Social Housing Reform Act and a few others. When those provisions came into force—most of them on September 30, 2002, in Bill 125—at that point those complementary amendments moved into those statutes. So on September 30, 2002, to take one example, that provision in the Election Act became part of the Election Act. It's not now part of the ODA, 2001. Therefore, the repeal of ODA, 2001, would not affect the provision you're referring to, I think, in the Election Act and those other acts, because those provisions are not part of ODA, 2001. They're part of those other acts now.

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**Mr. Marchese:** Where specifically in the act does it say that, so that I'm clear?

**Mr. Lillico:** I wonder whether legislative counsel might be able to give a fuller answer on how these provisions fit together.

**Mr. Doug Beecroft:** I don't know the section number of the Election Act where that provision appears, but there is a provision in the Election Act now that deals with that issue. It came from Bill 125. It's now in the Election Act. This bill makes no changes to the Election Act. The Election Act is staying the same.

**Mr. Marchese:** Or any of the other parts that I mentioned?

**Mr. Beecroft:** Exactly—the Human Rights Code etc.

**Mr. Marchese:** I see. That should make a whole lot of people out there feel good.

**The Chair:** Any other debate on this? If there is no other debate, I will now put the question.

### Ayes

Jackson, Marchese.

### Nays

Brownell, Leal, Parsons, Ramal, Wynne.

**The Chair:** The amendment doesn't carry. We'll move on to page 17.

**Mr. Jackson:** I move that section 6 of the bill be amended by adding the following subsections:

"Interim standards

"(5.1) A regulation may be made under this section adopting an interim accessibility standard before a standards development committee has submitted a proposed accessibility standard to the minister under section 9.

"Same

"(5.2) A regulation adopting an interim accessibility standard shall not be made unless the minister has completed a time-limited consultation process that complies with the regulations."

Much of this has to do with the fact that there was a considerable amount of progress made by the Access-

ibility Advisory Council of Ontario. In fact, they had drafted and done a considerable amount of work in terms of access to the hospitality sector. Those regulations were being drafted. So that work is done. That was clearly communicated to me by three or four members of the current Accessibility Advisory Council of Ontario.

The minister and her government saw fit to suspend some of that activity. That's her right. But there has been a considerable amount of work done and I was pleased when, in tabling this in the Legislature, she referenced and used as an example the fine work that the restaurant association had done. That came out of Bill 125. So those regulations are ready.

I'm having difficulty with this, and I'll keep repeating it, because we have further amendments that address this issue, that we have no guidelines, no criteria, no time frames for the establishment of the standards committees, whether we're going to compensate people, what the composition of them will be—a whole series of outstanding questions.

On the other hand, in a couple of areas—we're very close within the university community, for example, with the filing of their accessibility reports within the 10-year accommodation framework set out in the previous guidelines of Bill 125. There's a considerable amount of work that has been done. I think it would be wonderful if the legislation had within it the ability to say, "Do you know what? We're ready to proceed on this basis. We'll call them interim regulations." The minister could say, "The chief Human Rights Commissioner of our province, the Honourable Keith Norton, has made strong, cogent arguments. It's his legal opinion; we agree with him. Therefore, these are interim regulations." The ODA committee could say, "This is great." We don't need to subject it to two years to ramp it up and the five years that the legislation says it gives them. So I merely put this as an instrument for the minister and future governments in order to bring in interim guidelines.

I'll give you another example. Most of us were in St. Catharines for the public hearings, as I was, and we heard about a judge who, in his so-called wisdom, discounted the fine for violating a handicapped parking space. His argument was that there were others there; it didn't need the protection. I've subsequently written to the minister and I've subsequently written to the commissioner. The commissioner fully supports that. But the minister of the day has written me back to say, "You know what? It's not a provincial matter. It's a municipal matter." I'm very disturbed by that. Here we have a piece of legislation saying that the minimum fine in Ontario for violating or abusing a space is \$500. We had a judge say, "Do you know what? That's way too much money. I'll just fine you 100 bucks." We don't have anybody from the current government out there to defend it.

What's missing here is any kind of mechanism for the government to plug those kinds of holes that are going to emerge. Common sense and reasonable people will agree that this is something that should be fixed for the disability community, and should be fixed right away. My

fear is we're going to say, "You know, it's a heck of a good idea. You put that on the table with the 200 items that the transportation subcommittee is going to be struggling with over the next five years."

I really strongly believe we should empower the minister with an instrument that allows them to do that as well as to uphold what the ODA has asked, which is the second part of this, that we use the current government Web sites and other mechanisms to ensure that the disability community has full opportunity to comment and provide input when an interim measure is being proposed in the best interests of the disability community.

That's why I crafted this motion. It came out of those two expressions of frustration from the ODA committee saying, "This could take forever." The current access council has done good work. The previous act clearly states that they can recommend regulations, codes, guidelines, penalties, all of that, and that work of the last three years should not be undone.

**Ms. Wynne:** I understand the point about work that's been done and changes that have been made and I think we addressed that in the conversation about the last motion, that sections already embedded in other pieces of legislation will not be repealed.

In section 32, there is an amendment that the government is putting forward that I think addresses this issue, because what we're talking about is a desire not to undermine the collaborative process that this bill lays out. We recognize that there has to be a good discussion about what these standards are going to look like. At the same time, there's work that has been done. So in that section, what we're saying is that there could be an opportunity for persons and organizations to be informed about accessibility standards and preliminary measures that they might put in place that would be based on some of the work that's already been done. That's the mechanism that we're suggesting would be more appropriate, would recognize the work that's been done and wouldn't undermine the collaborative process of putting that standard in place in the long term. So that's the suggestion that we're making in 32, which is why I won't be supporting this motion.

**Mr. Marchese:** I'm not quite sure if 32 does it, in terms of what Mr. Jackson is getting at, although I find the way it's worded between 6(5.1) and 6(5.2) it's almost contradictory. It seems like (5.1) says you can—"A regulation may be made"—and then (5.2) says, "Yes, but it 'shall not be made unless....'" I'm almost thinking that all you need is (5.2), that says, "A regulation adopting an interim accessibility standard shall only be made after the minister has completed"—

**The Chair:** Mr. Marchese, can you slow down a little? Sorry. Our friends are trying to translate, but not as quickly as you are speaking. You're fast.

**Mr. Marchese:** Sorry. I apologize. It's good that she reminds us. She's very good at that.

I wondered whether or not we could accomplish what you wanted, Mr. Jackson, by saying—I don't think the

government would support it anyway—where a regulation adopting an interim accessibility standard shall be made only after the minister has completed a time-limited consultation process. Would that do it? I think what you're getting at is OK.

**Mr. Jackson:** If I may, the purpose of this section is not to have this the only section in the bill that speaks to the issue of the consultation with the displaying—

**Mr. Marchese:** No, I understand that, because there are many other amendments.

**Mr. Jackson:** That is going to be covered in another section.

**Mr. Marchese:** Yes.

**Mr. Jackson:** You can merge them if you so choose; that's not my concern here. My concern is to have the flexibility so that the government can implement a regulation almost immediately, which this legislation doesn't.

Ms. Wynne is quite correct when she says there is some movement on the issue of posting it on the government Web site and making minutes available.

**Mr. Marchese:** That's not enough.

**Mr. Jackson:** No, it comes close. She used in her narrative—and Hansard will show it—that the preliminary work that could be done and approved—well, that's not what this wording says. This wording speaks nowhere to the issue of an interim standard. That's all I'm asking for.

**Mr. Marchese:** Cam, I'm willing to support your motion. Let's get on with it.

**Mr. Jackson:** No, no. At this point, I'm trying to clarify Ms. Wynne's suggestion that her amendment on page 32 addresses what I am trying to achieve. She's absolutely wrong in that regard, because nothing in her amendment talks to the issue of an interim amendment. That's all.

**Ms. Wynne:** He's looking at the wrong amendment.

**Mr. Jackson:** Page 32.

**Ms. Wynne:** Section 32.

**Mr. Marchese:** Oh. I thought you said amendment 32.

**Ms. Wynne:** Section 32, page 84. It's page 84 in your motions.

**The Chair:** Well, why don't you have a look, and if there are any other comments from anybody—if there are none, then we'll wait until you're ready, Mr. Jackson.

**Mr. Jackson:** Mr. Chairman, unless we've run out of time and you wish to call an adjournment—

**The Chair:** I would like to, if you can finish it—

**Mr. Jackson:** No. This thing has opened up a significant—

**The Chair:** If that is the case, it is 6 o'clock and therefore I will have to adjourn this meeting until Monday at the same time, 3:30, here. I will adjourn this meeting until next Monday at 3:30. Thank you, and have an enjoyable evening.

*The committee adjourned at 1802.*











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